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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1994

Addendum

SLOVAK REPUBLIC

[6 April 1998]

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INTRODUCTION

1. The former Czech and Slovak Federal Republic (CSFR) signed the Convention on the Rights of the Child on 30 September 1990. The text of the Convention was endorsed by the Federal Assembly of the CSFR and subsequently ratified by the President of the Republic. The instrument of ratification was deposited with the United Nations Secretary-General on 7 January 1991. Pursuant to article 49, paragraph 2, the Convention entered into force for the Czech and Slovak Federal Republic as of 6 February 1991. The text of the Convention was promulgated by a notification of the Federal Ministry of Foreign Affairs published in the Collection of Statutes under No. 104/1991 (sect. 22, pp. 502-512).

2. As a successor to the former Czech and Slovak Federal Republic, the Slovak Republic became a party to the Convention on 28 May 1993 with retroactive effect as of 1 January 1993.

3. In accordance with article 44 of the Convention, the Slovak Republic, as a party to the said international legal document, assumed an obligation to submit - through the United Nations Secretary-General - a report on the measures adopted to give effect to the rights proclaimed therein and on the progress made on the enjoyment of those rights. The report is hereby submitted to the Commission on Human Rights for examination.

4. This report has been prepared by the Ministry of Foreign Affairs of the Slovak Republic in cooperation with the Ministry of Culture of the Slovak Republic, Ministry of Labour, Social Affairs and the Family of the Slovak Republic, Ministry of Justice of the Slovak Republic, Ministry of Education of the Slovak Republic, Ministry of the Interior of the Slovak Republic and the Ministry of Health of the Slovak Republic. In preparing the report, its authors used material entitled "Situation Analysis of the Status of Children in Slovakia" published by the Slovak Committee for UNICEF (Bratislava, 1995). The Centre for International and Legal Protection of Children and Juveniles, the Slovak Committee for UNICEF and other non-governmental organizations also provided valuable input and comments on the report.

5. This report has been prepared on the basis of a model structure prepared by the Committee on the Rights of the Child and a United Nations manual containing recommendations to be reflected in both the contents and the form of individual reports to United Nations conventions on human rights. The report has eight parts: General Provisions for the Implementation of the Convention on the Rights of the Child, Definition of the notion "Child", General Principles, Human Rights and the Basic Freedoms of the Child, Family Environment and Substitute Care, Health and Care of the Child, Education, Leisure Time and Cultural Activities of Children and Juveniles, and Special Measures for the Protection of Children.

I. GENERAL PROVISIONS FOR THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

6. The legislation of the Slovak Republic does not provide for a separate codification of the basic rights of a child. The basis for the legal position

of a child is laid down in the Constitution (Act No. 460/92 Coll.). The basic rights and fundamental freedoms set forth therein belong to every person, with the exception of those reserved to the citizens of the Slovak Republic (e.g., universal suffrage). In this sense, these rights and freedoms belong also to every child both as a human being and citizen.

7. The Constitution of the Slovak Republic sets forth the principle of special protection of children and minors, which is explicitly stated in article 41, paragraph 1, which reads: "Special protection of children and minors shall be guaranteed". This constitutional principle is further specified by various regulations of law, particularly the civil law, family law, labour law, administrative law, social security law, health insurance law and the criminal law.

II. DEFINITION OF A CHILD

8. According to article 1 of the Convention, for the purposes of the Convention, a child means every human being below the age of 18 unless, under the law applicable to the child, the age of majority is attained earlier. In Slovak legislation, the attainment of majority is stipulated by the Civil Code (Act No. 40/1964 Coll., as subsequently amended). Pursuant to section 8, paragraph 2 of the Civil Code, "Majority shall be attained at the age of 18. Prior to attaining that age, majority can only be attained upon marriage. The thus attained majority shall not be lost upon the termination of marriage or declaration thereof null and void."

9. Pursuant to section 13 of the Family Act (No. 94/1963 Coll., amended by Act No. 132/1982 Coll. and Act No. 234/1992 Coll.), "A minor may not enter into marriage. In exceptional cases, if it is in compliance with the social purpose of the wedlock and the reasons are material, the court may allow a minor who has attained the age of 16 to enter into marriage." The judicial practice views the pregnancy of the intending spouse as a material reason. Without the permission of the court, the marriage is void and the courts shall proclaim it void even without being petitioned to do so (sect. 13, para. 1 of the Family Act). Paragraph 2 of the same Act stipulates that "no court shall render the marriage void and the marriage shall become legal if the husband, who entered into the marriage as a minor, has attained the age of 18 or the wife has become pregnant". A marriage entered into by a minor below the age of 16 will legally never come into being.

10. Upon attaining the age of majority, persons acquire full legal capacity. Prior to attaining majority, a person has the status of a minor and enjoys special legal protection. Under section 9 of the Civil Code, minors have a limited legal capacity and are only competent to "undertake such legal acts that are adequate to their intellectual and mental competence corresponding to their age". All other legal acts are performed or undertaken on the minor's behalf by his/her legal representatives.

11. Labour legislation uses the term "juvenile". In the eyes of this particular branch of law, being a juvenile does not depend on whether a person is a minor from the civil law perspective. According to the Labour Code

(Act No. 65/1965, as subsequently amended), juvenile workers are workers under the age of 18, who can only work under special conditions regulated by the Code.

12. The currently valid Slovak penal legislation recognizes both the notion of a child and that of a minor. The provision of section 216 (b) of the Penal Code (Act 140/1961 Coll., as subsequently amended) incorporates the definition of a child set forth in article 1 of the Convention. Under that provision, a child is a person under the age of 18 unless he/she has attained the age of majority earlier. According to section 11 of the Penal Code, the penal liability of a child is stipulated negatively: "Whoever has not attained the age of 15 at the time of committing an offence shall not be criminally liable". Section 74, paragraph 1 of the Penal Code defines a "juvenile" as a "person who, at the time of committing an offence, has attained the age of 15 and is under the age of 18". Penal liability of juveniles is specifically regulated by chapter seven of the General Part of the Penal Code (see Part VIII.A of this report for greater detail). Under section 79, paragraph 1 of the Penal Code "For juveniles, the sentences of imprisonment set forth in this Code shall be reduced to a half". Moreover, the same paragraph of the Penal Code stipulates that the "upper limit of a sentence of imprisonment for a juvenile shall not exceed five years and the lower limit of the same shall not exceed one year".

13. Based on the aforementioned, Slovak legislation grants a person who has attained majority under the Civil Code even before reaching the age of 18 (sects. 8 and 9 above), the status of a minor according to the labour and criminal laws; such a person enjoys a special legal protection.

14. The compulsory primary education of a child commences at the beginning of the school year that comes after the date on which the child has attained the age of 6 and lasts 10 years. If, despite having attained the age of 6, the physical or mental capability of a child is inadequate, or should the child's legal representative, physician or director of a pre-school facility require so, the relevant authority of the State may postpone the commencement of primary education of such child by one school year. Albeit children have legal capacity for admission to employment from the age of 15, no child may be admitted to employment prior to the date of completing his/her (primary) compulsory education. If a person completes his/her compulsory education at a school for handicapped children below the age of 15, he/she acquires legal capacity for admission to employment upon completion of compulsory education but in no case earlier than at the age of 14 (sect. 11 of the Labour Code).

15. Upon attaining the age of 18, males are subject to universal conscription unless they have voluntarily accepted the duty of national service at an earlier age. Citizens who wish to join the army earlier may be given permission to do so as of 1 January of the year in which they turn 17. For any such voluntary recruitment, citizens below the age of 18 need the consent of their legal representative (sect. 14 of the Conscription Act, Act 92/1949 as subsequently amended; full wording incorporating amendments contained in No. 331/1992 Coll.).

16. Under Slovak law, obligation to give testimony in court is generally applicable. Everyone is obliged to appear before court upon subpoena served

by a court or administrative body and to give testimony as a witness. A witness may refuse to testify only for reasons specified by law. This means that the obligation to give testimony also applies to minors. In such case, however, the court must conduct the examination with special care and consider the ability of the child to testify in light of his/her individual maturity. Specific procedures for the examination of persons below 15 years of age are regulated by Act No. 141/1961 Coll. on Criminal Court Proceedings (The Penal Rules) as subsequently amended. Under that law, whenever a person below the age of 15 is examined as a witness in respect of matters the recalling of which might have an adverse impact upon the mental and moral integrity of the child, the examination must be especially considerate and structured such that its repetition in further process is not necessary. During the examination, the law requires the presence of a pedagogue or a person experienced in the education of children, whose participation will - considering the object of examination and the level of mental competence of the witness - contribute to ensuring proper conduct of the examination. In light of this aim, the court may request the presence of parents at the examination. A child may only be examined repeatedly if it is absolutely indispensable for further hearing of the case.

17. The Slovak law awards equal rights to children born in or out of wedlock. Legislative discrimination against children born out of wedlock was abolished by the Constitution of the Czechoslovak Republic adopted on 9 May 1948. The principle of equality of rights of all children was confirmed by the Constitution of the Slovak Republic, paragraph 3 of article 41.

III. GENERAL PRINCIPLES

18. In the Slovak Republic, human rights and fundamental freedoms are protected by the Constitution and any infringement upon them is unlawful. The Slovak Constitution, article 2, paragraph 3, proclaims that "everyone may do what is not prohibited by law and no one shall be compelled to do what is not mandated by law".

A. Non-discrimination (article 2)

19. The Slovak law allows for no discrimination against children. Under article 12 of the Constitution, the fundamental rights and freedoms are guaranteed to everyone in the territory of Slovakia, irrespective of their sex, race, colour, language, belief and religion, political or other thinking, national or social origin, nationality or ethnic origin, property, birth or status. No one shall, on these grounds, be favoured or discriminated against.

20. The above-mentioned principle is consistently implemented by other regulations of the Slovak legislation, particularly the penal substantive law which, inter alia, protects the rights and justified interests of children in this area. According to section 196, paragraph 2 of the Penal Code, "He who uses violence against a group of persons or an individual or threatens them with deadly assault, battery or grievous harm for their political opinions, nationality, race, religion or absence of religion" commits the crime of violence against a group of persons or an individual. According to section 198, paragraph 1 of the said law: "He who publicly slanders a nation or its language, or any race or a group of citizens of the Republic for their

political opinions, religion or absence of religion" commits the crime of slander against a nation, race or conviction. According to section 198 of the Penal Code, "He, who publicly instigates hatred of a nation or race or a restraint upon the rights and freedoms of people" (para. 1), or (para. 2) "colludes or associates with others to commit the crime stipulated in paragraph 1" commits the criminal offence of instigating national or racial hatred. An important tool in preventing any form of discrimination referred to in article 2 of the Convention is the protection, which the Slovak law provides against movements that attempt to suppress the rights and freedoms of citizens. The support and promotion of such movements is a criminal offence pursuant to section 260 of the Penal Code, committed by "he, who supports or promotes a movement that demonstrably strives to suppress the rights and freedoms of citizens or who preaches national, racial, social or religious hatred".

B. Protection of the best interests of the child (article 3)

21. Article 41, paragraph 1 of the Slovak Constitution guarantees that matrimony, parenthood and family are under the protection of law. In addition, the Constitution provides for a specific protection of children and juveniles. In furtherance of these constitutional provisions, the applicable legislation provides the child with adequate protection that ensures his or her well-being. The penal law qualifies any conduct that endangers the universal development, upbringing and maintenance of a child, as a criminal offence (particularly child desertion under sect. 212, negligency of support and avoidance of alimony under sect. 213 and abuse of a person entrusted to care under sect. 215 of the Penal Code).

22. In connection with the protection of the rights of the child, it is important to consider the right of a child to make independent decisions in relation to adults and authorities of the State in general, and in relation to his/her parents, in particular. The authority of a child to make independent decisions on matters of his or her interest, which in fact restrains the decision power of his/her parents, is connected with the legal capacity of the child. In determining the legal capacity of a minor, the Civil Code uses the adequacy of age as a general criterion. Under the law, a minor has the capacity to undertake only such legal acts whose nature is adequate to his mental maturity corresponding to his age. The thus stipulated scope of legal capacity has one exception under which a minor has the capacity to undertake a specific legal act as of certain age. Under the 1992 amendment to the Civil Code, there is only one exception when a minor is explicitly given a legal capacity to undertake a specific legal act. According to the amended section 476 d, paragraph 2 of the Civil Code, a minor who has attained the age of 15 has the capacity to establish his/her last will in the form of a notarial record.

23. According to the current concept of legal capacity in the Slovak Republic, a minor has the capacity to execute a specific legal act (and thus may act in his/her own name) or lacks such capacity with a view to the level of his/her mental maturity (in which case the act is undertaken by his/her legal representative, i.e. parent, legal guardian or custodian).

24. Under the Slovak law, minors have the legal capacity to present their opinions on circumstances affecting their legal status. Specifically, the minor's consent with adoption (sect. 67) or foster placement (Act 50/1973 Coll. on Foster Care, full wording contained in Act 452/1992) is required whenever the minor is able to assess the implications of such a legal act. However, this consent is not required from a child who, despite having that capacity, might frustrate the purpose of adoption. It is up to the court to determine whether a child has the capacity to assess the implications or not. Judicial practice shows that courts, similarly as in other minor-related cases, tend to view the age of 12 as the limit over which a child has that capacity.

C. The child's inherent right to life and development (article 6)

25. Under article 15 of the Slovak Constitution, everyone has the right to life and human life is worthy of protection even before birth. The responsibility of parents for the universal mental and physical development of their children and their proper care is set forth in article IV of the Fundamental Principles of the Family Act.

26. The specific interest of the State in ensuring the protection of life and health of children is reflected in individual provisions of the Penal Code. In the event where a child becomes an object of assault, the culprit's conduct is classified as highly or extraordinarily dangerous to society. For example, in the case of murder (sect. 219), if the victim is below the age of 15 (para. 2 d) the culprit faces a sentence of imprisonment for 12 to 15 years, or an exceptional sentence. Section 220 of the Penal Code contains a special provision designed to protect the life of a newborn under which a mother "who, in perturbation caused by the delivery, deliberately puts to death her newborn during delivery or immediately thereafter" commits a murder. Specific protection of the child's right to life even before birth is provided by sections 227 and 228 of the Penal Code by imposing penalties for an unlawful abortion.

27. The issue of abortion is of direct relevance to the inherent right of the child to life. With its abortion law, Slovakia belongs to the pro-choice group of countries that recognize the right of a woman to decide on her maternity. Under the abortion law, 16 is the minimum age as of which a woman may independently decide on abortion.

D. Obligation of the States to take measures to combat the illicit transfer and non-return of children abroad (article 11)

28. Slovak law classifies the illicit transfer of a person abroad as a criminal offence according to section 233 of the Penal Act. If such a crime is committed against a person below the age of 15, or a mentally handicapped or backward person (para. 2 b), such a crime is characterized by a higher degree of social danger.

E. The right of the child to formulate opinions and express them freely (article 12)

29. Admittedly, the right of the child proclaimed in article 12 of the Convention on the Rights of the Child is not sufficiently expressed in the Family Act, specifically in those provisions that handle the relationship between parents and children. Nonetheless, the currently prepared amendment to the Family Act fully incorporates the spirit of the provisions contained in article 12 of the Convention.

30. The exercise of the rights set forth in article 12 of the Convention is closely connected with the active involvement of a child in decisions made on matters of his/her interest. This particular issue is addressed by the procedural rules for the civil, administrative and penal law of Slovakia, which reflect the requirements established in the said article of the Convention.

31. According to the applicable provisions of Civil Court Procedures (Act No. 99/1963 Coll., as subsequently amended, full wording contained in Act No. 38/1995 Coll.), whenever a civil court hears a case regarding the care of a minor, that minor is given the possibility of expressing his/her opinion on the appropriateness of measures to be taken in respect of his/her upbringing, if the court deems the hearing of the minor appropriate. In a child adoption case, the court will hear a child insofar as the child is able to comprehend the meaning of adoption. Finally, whenever a court is to give consent to a minor over the age of 16 to enter into marriage, the court must hear that person in the absence of other persons. This indicates that the procedures for hearing a child in court are regulated separately for individual type of judicial proceedings. While in the first case mentioned above (care of a minor), the minor is heard only if the court considers it appropriate, in the second case (adoption), the child is heard if he/she is able to comprehend the meaning and implications of adoption and, in the third case (marriage of a minor), the court must hear the minor unconditionally.

32. Unless separate provisions of law stipulate otherwise, the rules for legal actions under Slovak criminal law are generally applicable, even in situations where a child is a party to judicial proceedings. If a person below the age of 15 is to be examined as a witness in a criminal case hearing, all authorities involved in the proceedings are bound by a separate provision of section 120 of Act No. 141/1961 on Criminal Court Proceedings, as subsequently amended (Criminal Court Rules). Under that provision, "the examination must be especially considerate and structured such that its repetition in further processes is unnecessary. During the examination, the court shall request the presence of a pedagogue or a person experienced in the education of children, whose participation will - considering the object of examination and the level of mental competence of the witness - contribute to ensuring the proper conduct of the examination. Should the attendance of parents be of a contribution to the proper course of examination, the court may also request their presence" (para. 1). "A child may only be examined repeatedly if such an examination is absolutely unavoidable" (para. 2 of cited para. 102 of the Criminal Court Rules).

33. When considering the practical implementation of article 12 of the Convention, it is also necessary to look at the issue of obtaining informed consent from a child receiving medical or preventive care. Under section 13 of Act No. 277/1994 Coll. (The Health Care Act), medical examination or a treatment procedure can only be applied with the consent of the patient. Before undertaking an especially complex examination, treatment or medical intervention that is likely to considerably change the patient's way of life, the physician must obtain the patient's consent either in writing or in another demonstrable form. If the patient is a minor, such consent must be obtained from his/her parents or legal guardians. If a minor over the age of 16 is, in the opinion of a physician, mentally capable of comprehending the implications of the contemplated medical intervention, he/she may be asked to give such consent. Only in emergency situations where medical intervention cannot be postponed and neither the consent of the patient, nor his/her legal representative or the second opinion of the board of medical specialists can be obtained, then the intervention may take place without such consent.

34. The right of the child to express his/her opinions, set forth in article 12 of the Convention, is reflected in several recently adopted pieces of the Slovak legislation. According to Act No. 308/1991 Coll. on the Freedom of Religion, Position of Churches and Religious Communities, the authority to provide direction to children below the age of 15 in respect to their religious education lies with their legal representatives. Similarly, the new Name and Surname Act (No. 300/1993) provides that the consent of a child over the age of 15 must be obtained whenever a change in his/her surname is sought. A similar rule applies in the situation where a child over the age of 15 is asked to change his/her original surname to the surname of his/her adoptive parents. Such a change becomes effective by operation of law (ex lege). If the adoptive parents chose to change the surname of their adopted child to theirs, they must jointly notify the appropriate agency of the State (i.e. District Office) to that effect within six months of the date when the court issued the adoption ruling. If the adopted child has attained the age of 15, his/her consent to the change is required.

35. The fact that the law gives the child an opportunity to be heard in a judicial or administrative proceeding does not, in itself, provide a guarantee for the protection of his or her rights. Although the court takes due account of the expressed will of the child, the hearing of the child only may not be sufficient. For this purpose, the law establishes the concept of legal representative of the child or his/her legal guardian (permanent, ad hoc, or ad litem). The presence of such a legal representative or guardian at all proceedings where the child is a participant is obligatory; the intention behind this is to defend the best interests of the child.

IV. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF THE CHILD

36. As indicated above, all fundamental rights and freedoms set forth in the Constitution of the Slovak Republic belong to everyone, unless expressly designated only for citizens of the Slovak Republic. To this end, also children are fully entitled to these rights, both as human beings and as citizens. The Constitution thus creates a national framework for further considerations on human rights in general, and the fundamental rights of the child, in particular.

A. The right of the child to be registered immediately after birth, the right to a name and nationality and the right to know and be cared for by his or her parents (article 7)

37. The exercise of the right of the child to be registered immediately after birth is guaranteed by The Register of Births, Marriages and Deaths Act (Act No. 154/1994 Coll.) under which the appropriate agency of the State (County Office) keeps a Register of Births, Marriages and Deaths. The Register and authenticated excerpts therefrom are public documents.

38. Under section 13, paragraph 1 (a)-(e) of said Act, the following data are entered in the Register of Births: day, month, year and place of birth and, in the case of a multiple delivery, also the sequence in which individual siblings were born; then the name (names), surname, sex and the birth certificate number of the child (children); name, surname and maiden name of parents; the day, month, year and place of their birth, their birth certificate numbers, nationality and permanent whereabouts; the agreement of both parents on the surname of the child in the event where the surnames of parents differ or the parents do not live in wedlock or, if applicable, a decision of the court as to the surname of the child; and, finally, the day, month and year when the entry was made.

39. The person who assisted at the delivery (physician, midwife, and the like) and one of the parents have a legal obligation to notify the Registry of the birth of the child within seven days of the delivery. The law also stipulates procedures to be adhered to in specific situations, e.g. registration of a child born in a public health or social care institution, army barracks or other military housing estate, registration of a foundling, registration of children born abroad or during a national defence alert. The failure to notify the Registry of the birth of a child is considered a misdemeanour and the offender faces a financial penalty.

40. The right of the child to a name from birth is provided by both the Family Act and the Name and Surname Act (No. 300/1993 Coll.). Under these Acts, a child is registered under his/her name and surname upon the entry thereof in the Register of Births. Every citizen has the right and obligation to use the name and surname under which he/she is registered in the Register of Births. The child is given a name and surname by his/her parents upon birth. The law also stipulates the rules to apply when parents' surnames are not identical (in which case a unanimous written consent of both parents is required) or the rules for changing one's name or surname.

41. The right to ethnic identity/nationality is one the fundamental rights to which a child, as the citizen of the Slovak Republic, is fully entitled. This particular right is guaranteed by article 12, paragraph 3 of the Slovak Constitution, the introductory provision under which everyone has the right to freely decide which national group he or she is a member of. Any pressure aimed at influencing such decision or suppressing the feeling of ethnic identity is prohibited.

42. The right of the child to citizenship is guaranteed by Act No. 40/1993 Coll. on the State Nationality of the Slovak Republic. Under this Act, a child acquires the nationality of the Slovak Republic under these terms:

(a) at least one of the parents is a citizen of the Slovak Republic;

(b) the child was born in the territory of the Slovak Republic to stateless parents; or

(c) the child was born in the territory of the Slovak Republic without acquiring the nationality of either of his/her parents - foreign nationals.

43. The acquisition of citizenship by administrative means is regulated separately.

44. Slovak law gives a child the right to know his or her parents. Our legislation does not recognize the category of "foundlings" and contains a principle under which a child has the right to have his or her parents identified.

45. The legal relationship between a child and his or her mother arises upon birth. The Family Act contains no specific provision regulating the identification of maternity. It tacitly applies the "mater semper certa est" rule. The woman who gave birth to the child is his or her mother. The situation is more complicated when paternity is to be established (pater incertus). The Family Act handles this sensitive issue by adopting three refutable presumptions of paternity, the application of which legally establishes and stabilizes the relationship between a child and his or her father.

B. Right to freedom of expression (article 13)

46. The right to freedom of expression is an important element of democracy and represents one of the core principles of a democratic society. It also represents one of the basic prerequisites for the development of every individual, including children. This particular right is set forth in article 26, paragraph 1 of the Constitution, which says: "The freedom of expression and the right to information shall be guaranteed". The Constitution further stipulates that everyone has the right to express their opinions verbally, in writing, in print, picture or other means of communication (art. 26, para. 2).

C. Access to information (article 17)

47. As quoted above, article 26, paragraph 1 of the Slovak Constitution guarantees the right to information. Also children, as a special category of citizens of the Slovak Republic, are fully entitled to this right.

48. In its subsequent provisions, article 26 of the Constitution guarantees the freedom to seek, receive and disseminate ideas and information regardless of State boundaries and provides that the publication of press is not subject to government licencing (art. 26, para. 2). Censorship in Slovakia is

prohibited. To the extent stipulated by law, the publisher, chief editor and author of an article may be held liable for the misuse of the freedom of expression which violates the integrity of people or the society.

49. The Council of the Slovak Republic for Radio and Television Broadcasting, an independent body elected by the Slovak parliament, was formed in 1992. The main role of the Council is to protect and support the interests of the public in exercising the right to freedom of expression and information.

50. In connection with the right of the child to access appropriate information and with a view towards need to protect the spiritual and moral development of children below the age of 15 and juveniles below the age of 18, it is important to mention the provisions of section 4 and section 5 of the Audiovisuals Act (No. 1/1996 Coll.). These provisions bind the producers and distributors of audio-visual programmes, operators of cinemas and projection technologies, as well as those who rent or sell audio-visual programmes, not to release or make available certain programmes to children and juveniles below specified age limits. It is specifically prohibited to use and disseminate audio-visual programmes with violent, brutal or pornographic contents, particularly those featuring child pornography.

51. Cinema operators and projection technology operators are furthermore obliged to ensure that projections of programmes for children and juveniles are not accompanied by advertising spots aimed at children or featuring children whenever such spots might evoke behaviours dangerous to their health and psychological or moral development.

52. The access of children to information is also guaranteed by section 5 of the State Language Act (No. 270/1995 Coll.) which, in section 2, provides the following: "Audio-visual programmes in foreign languages intended for children below 12 years of age must be dubbed into the State language". Broadcasting in the languages of national minorities and ethnic groups is regulated by special provisions of law (sect. 3, para. 3 of the Slovak Television Act (No. 254/1991 Coll.) as subsequently amended, and section 5, paragraph 2 of the Slovak Radio Act (No. 255/1991 Coll.) as subsequently amended).

D. Freedom of thought, conscience, religion and belief (article 15)

53. Article 24 of the Slovak Constitution guarantees the freedom of thought, conscience, religion and belief. This right also includes a possibility of changing one's religion or belief. Everyone has the right to be religiously indifferent and the right to freely manifest his or her thoughts.

54. Section 236 of the Penal Act stipulates penalties for infringements upon the freedom of religion. According to section 236, "he, who uses violence, threatens to use violence or to cause a serious harm in order (a) to force another person into practising a religion; (b) to prevent another person from practising a religion; or (c) otherwise restricts the freedom of religion, shall be sentenced to up to one year in prison.

55. The right of the child to freedom of religion is also established in the Act on the Freedom of Religion and the Position of Churches and Religious Communities. The exercise of the right to freedom of religion in the current Slovak Republic creates no political or legal problems.

56. The right of the child to freedom of religion is closely connected with the right of parents or legal guardians to provide direction to the child in the exercise of this right. Parents or legal guardians have this right until the child attains the age of 15; from that point on, the child becomes sovereign in making his or her decisions on this important matter.

E. Freedom of association and peaceful assembly (article 15)

57. The freedom of association and peaceful assembly is guaranteed by articles 28 and 29 of the Slovak Constitution. The conditions for the exercise of these rights are stipulated in Act No. 83/1990, as subsequently amended (The Association of Citizens Act), and Act No. 84/1990, as subsequently amended (The Assembly Law).

58. Pursuant to the applicable legislation, citizens of the Slovak Republic have the right to form or join social organizations, to set up associations, unions, movements, clubs and other civic associations. No one may be forced to form or join an association, or to participate in the activities of an association; everyone is free to withdraw from an association. An association is formally established upon registration. A proposal for registration must be submitted by at least three citizens, of which at least one must be over the age of 18. This shows that the legislation of Slovakia enables also children to actively participate in the activities of various artistic, cultural or interest groups and associations.

59. As far as the exercise of the right to assemble is concerned, the active exercise of the right (i.e. to call an assembly) is reserved only to the citizens of the Slovak Republic over the age of 18 or a Slovak legal entity or group of entities. Children are also entitled to the right to participate in an organized assembly.

F. Obligation of States parties to take the necessary legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, including sexual abuse, neglect or negligent treatment, maltreatment or exploitation, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child (article 19)

60. The criminal substantive law of the Slovak Republic contains various specific provisions that protect children from any physical or mental violence, injury or abuse, including sexual abuse, neglect or negligent treatment, maltreatment or exploitation, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

61. Apart from penalizing criminal offences listed above (sections 18-21 hereof) in reference to article 3 of the Convention, the Penal Code classifies pandering as a criminal offence. According to section 204 "he, who procures,

brings or leads someone else into prostitution or gains profit from prostitution done by others" commits the offence of pandering. The penalty is more severe if the offence of pandering is committed against "a person below the age of fifteen" (para. 4a).

62. Slovak law also gives the woman a right to freely decide on whether she wants sexual contact or not. It also contains special provisions aimed at protecting the undisturbed moral and physical development of persons below the age of 18. Whenever a criminal offence is committed against a child, the offender faces a more substantial penalty. This particularly applies to the criminal offence of rape according to section 241 of the Penal Code, if the offender "commits rape against a woman below the age of fifteen" (para. 2b), sexual abuse according to section 242 and section 243 of the Penal Code and to trafficking in women according to section 246 of the Penal Code, "if the offence is committed against a woman below the age of eighteen" (para. 2b).

G. Protection of the child from all forms of sexual exploitation and sexual abuse (article 34)

63. The Slovak judicial practice does not use the term "sexual exploitation of children". The provisions of the Penal Code, which can be subsumed under this general term, include "sexual abuse" (sects. 242 and 243 of the Penal Code) and "endangering the moral development of children and juveniles" (sect. 217 of the Penal Code).

64. The post-1990 amendments to the criminal substantive law further accentuated the protection of children from sexual exploitation and sexual abuse by imposing heavier sanctions for organizing prostitution and gaining profit therefrom. This particularly applies to the criminal offence of pandering under section 204 and the criminal offence of endangering the moral development of children under section 205, which involves the putting in circulation, dissemination, publication, production or import of pornographic materials, audio or video media, pictures or other objects that endanger morals and which, inter alia, feature sexual intercourse with a child. Also criminal is to offer or make such object available to a person below the age of 18. The provision of section 246 of the Penal Code stipulates the criminal offence of trafficking in women and is a reaction to the obligations, which the Slovak Republic assumed on the basis of international covenants, aimed to combat trafficking in women. This particular offence involves the enticement, hiring or transport of a woman with the intention of misusing her for sexual intercourse with another person. An offender who commits this crime against a woman under the age of 18 faces a heavier sentence.

65. The incidence of sexual abuse of children according to section 242 and section 243 of the Penal Code is quite frequent, usually in the order of hundreds of cases per year. On the other hand, sexual abuse of children for commercial purposes, i.e. production and dissemination of the so-called child pornography is a relatively rare phenomenon in Slovakia. According to the Slovak Police Corps Headquarters, only four such cases have been detected and brought before court since 1992. This does not mean that the seriousness of this particular act should be underestimated, since this crime has a latent form and its actual incidence may be much higher.

66. Also with a view to this fact, the new organizational structure of the Slovak Police Corps Headquarters (which took effect as of 1 February 1997) involves a special department that deals specifically with crimes committed against children and juveniles, including sexual abuse for commercial purposes. The Department is a part of the Violent Crime Section of the Administration of Criminal Police at the Police Corps Headquarters. One of the roles of the Department is to keep appropriate statistics and to provide up-to-date information on the number of detected, committed and clarified criminal offences of this nature in the Slovak Republic. The national office of INTERPOL can also be used for the exchange of relevant information.

H. Measures taken to prevent the abduction of or traffic in children (article 35)

67. Slovak law provides efficient protection against the abduction of, sale of or traffic in children. In addition to the above-mentioned section 246 of the Penal Code, the criminal substantive law contains special provisions regarding abduction (sect. 216 of the Penal Code) and the sale of and trafficking in children (sect. 216 (a), thereof). Section 216 of the Penal Code qualifies the criminal offence of abduction as an act of taking a child or a mentally impaired person from the care of someone who has, either by operation of law or through an administrative decision, legal duty of care of that child or mentally impaired person. Under section 216 (a), the criminal offence of sale of or traffic in children is committed by a person "who, for a consideration, places a child under the custody of another person for the purpose of adoption, child labour or for some other purpose".

I. Protection of privacy (article 16)

68. The right to the protection of privacy, confidentiality of correspondence, as well as the protection of honour and reputation is guaranteed by the Constitution of the Slovak Republic (arts. 16, 19, 21), which provides for the inviolability of one's integrity and privacy. Everyone, children included, is entitled to the protection from unlawful interference with his or her privacy and family life, and to the protection of human dignity, personal honour, good reputation and name. For infringement upon any of these rights (which can only be restricted in certain cases stipulated by law) the Penal Code sets forth appropriate penalties.

J. Prohibition of torture, inhuman or degrading treatment or punishment of a child (article 37 (a))

69. Article 16, paragraph 2 of the Constitution provides that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. With a view to children, this particular right has always been respected in Slovakia.

V. FAMILY ENVIRONMENT AND SUBSTITUTE CARE

A. Responsibility of parents for the upbringing of the child, their rights and duties (articles 5 and 18)

70. According to the provisions of the Family Act, the father and mother are in equal position in relation to their children irrespective of whether they are spouses.

71. This provision gives both parents common responsibilities and stipulates their rights and duties in a manner which ensures proper upbringing and alimentation of the child, namely the right and duty to bring up the child, to provide appropriate maintenance, to represent the child and to administer his or her property.

72. The comprehensive stipulation of parental rights and duties in the relevant provision of the Family Act indicates that the legislators pay specific attention to the upbringing of children. The right of both parents to bring up their child and the right of the child to parental upbringing are privileged personally to parents and their children. In other words, neither third persons nor the State have the right to interfere with the legal relationship between the child and his or her parents, insofar as the parents exercise their rights and fulfil their duties in a proper fashion. As long as parents take proper care of the child, the State cannot restrict their rights and duties, restrain them in the exercise of these rights or deprive children of their rights.

B. Separation from parents (article 9)

73. In conformity with the applicable law, competent authorities of the State may interfere with the legal relationship between parents and their child only in exceptional cases, when the legally prescribed conditions have been satisfied. In this respect, provisions of article 41, paragraph 4 of the Slovak Constitution are of particular relevance. This article, in compliance with the Convention on the Rights of the Child, expressly provides that the care of children and their upbringing is the right of parents and that children have the right to parental upbringing and care. According to the applicable provisions of law, the rights of the parents can be restricted and a child can be separated from his or her parents against their will, only on the basis of a ruling issued by court. Such separation may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence. But even under such circumstances, the Convention presupposes that States respect the right of the child who is separated from one or both parents to maintain personal contacts with both parents, unless it is contrary to the child's best interests.

C. Family reunification (article 10)

74. Conditions for the entry and stay of foreigners in the territory of the Slovak Republic are regulated by Act No. 73/1995 on the Stay of Foreigners in the Territory of the Slovak Republic. Under the law, a foreigner is every person who is not a legal citizen of the Slovak Republic. A foreigner may

enter the territory of the Slovak Republic and stay therein only with a valid passport and visa of the Slovak Republic, unless an international agreement binding upon the Slovak Republic stipulates otherwise. A visa is not required if the Government of the Slovak Republic so determines.

75. A foreigner may be given permission for a short-term, long-term or permanent stay in the territory of the Slovak Republic. A foreigner may stay in the territory of the Slovak Republic on a short-term basis for a period established by the visa or a period determined by the Slovak Government or an international agreement binding upon the Slovak Republic. Permission for a short-term stay is given for a maximum of 180 days. A foreigner may stay in the territory of the Slovak Republic on a long-term basis only for a period specified in the long-term stay permit. A long-term stay is permitted for a period necessary for the purpose of such a stay to be achieved, but in no case for longer than one year. This period may be repeatedly extended based on foreigner's application, always by a maximum of one year per each individual extension. A foreigner may stay in the territory of the Slovak Republic on a permanent basis if granted a permanent stay permit. Such a permit may be granted for the purpose of family reunification, if the spouse of the foreigner or his/her child below the age of 18 have Slovak citizenship or permanent residence in the Slovak Republic, or whenever foreign-policy interests of the Slovak Republic justify it.

76. A foreigner must file an application for the granting of a permit for a short-term or long-term stay in the Slovak Republic with the Slovak diplomatic mission or consular office abroad. In support of the application, the foreigner must, if requested so, produce documents evidencing the purpose of the intended stay, provision of financial means and accommodation for term of the stay, as well as documents evidencing that he or she has not done anything, whether in Slovakia or abroad, which Slovak law considers a wanton criminal offence and that he or she does not suffer from any infectious disease, the spreading of which is criminal under the law.

77. Within 60 days of filing, the appropriate police authority will make a decision with respect to the foreigner's application for a short or long-term stay permit. If the police authority approves the application, the Slovak diplomatic mission or consular office abroad will issue a visa to the applicant. Upon the applicant's arrival in the Slovak Republic, the police authority will issue a card for the foreigner entitled "Foreigner's Stay Permit".

78. A Foreigner's Stay Permit is not issued for foreigners below the age of 15. Section 26 of Act No. 73/1995 Coll. on the Stay of Foreigners in the Slovak Republic provides that "for the purposes of this Act, a foreigner acquires full legal capacity upon attaining the age of fifteen, unless the court restrains his or her legal capacity or deprives him or her of legal capacity. Foreigners below the age of fifteen shall be represented by their parents or legal guardians".

79. Under Act No. 216/1991 Coll. on Travel Documents and Travel Abroad, every citizen of the Slovak Republic with a valid passport has the right to freely travel abroad and freely return to the Slovak Republic. Citizens above the age of 15 submit applications for the issue of a passport on their own

behalf; any application for the issuance of a passport submitted by a person below the age of 15 must be supported by the consent of that person's parent or legal guardian whose signature must be authenticated. The consent of a parent or legal guardian may be replaced by a court ruling to that effect. An application on behalf of a person below the age of 15 must be submitted by his parent or legal guardian. If a citizen below the age of 15 is to travel abroad in the company of his or her parent and has no passport, his or her name will be entered at the parent's request in the parent's passport. If a competent authority entrusts a minor below the age of 15 to the care of only one parent, the name of such minor will be entered in the passport of the second parent only if the second parent produces the authenticated consent of the parent, who has the care of the minor, to entering the minor's name into his or her passport and consent to the minor's travel abroad.

D. Care for a child living with one parent only (article 27, paragraph 4)

80. In many cases, children live with only one of their parents, either because the parents are divorced or because they live separately. Under the applicable law, when issuing a divorce order, the court will stipulate the rights and responsibilities of both parents in relation to their child after divorce and, particularly, determine to whose care the child will be entrusted and how each of the two parents should participate in the maintenance of the child. Instead of having the court stipulate the post-divorce parental rights and responsibilities, parents may conclude an agreement to that effect, which, however, becomes only valid if approved by the court.

81. This means that the placement of a child in the care of only one parent presupposes the existence of a court order or an agreement between the parents approved by the court. In such a case, the second parent loses immediate influence upon the rearing of his or her child, which might complicate the exercise of his or her parental rights.

82. The law presumes that parents will agree between themselves on how frequently the one who does not have the care of the child, may see the child. Such an agreement does not require approval by the court. Only in exceptional cases when it is necessary in the interest of protecting the health of the child, the court may either restrict or prohibit the parent to whose care the child has not been entrusted from contacting the child. Unless such a restriction or prohibition is in the best interest of the child, the child may maintain regular contact with the parent with whom he or she does not live.

83. The criminal law of Slovakia provides for the legal protection, care and interest of the State in the family, universal development of children, provision of their alimentation and education, particularly through Chapter Six of the Penal Code (sect. 212 - abandonment of the child and sect. 213 - neglect of support).

84. The interest of the State in ensuring that the support of the child is adequately delivered and that the purpose of section 213 of the Penal Code is fulfilled is expressed in a separate provision on "efficacious sorrow" according to section 214 of the Penal Code, under which: "The neglect of

support shall cease to be punishable if it has had no unfavourable implications and the offender had fulfilled the duty of support before the court has convened for final deliberations".

85. In conformity with article 2, paragraphs 1 and 2 of the Convention, Slovakia has a Centre for International Legal Protection of Children and Juveniles, which acts as a receiving and sending agent in matters related to the enforcement and collection of alimony claims abroad.

86. The Centre conducts its activities in compliance with a number of multilateral covenants and 37 bilateral agreements, which specifically regulate the enforcement of decisions abroad. Upon request, the Centre provides claimants with legal advice and instructions on how to obtain the requisite documentation, and ensures the international enforcement of court decisions on behalf of claimants.

87. Although the cooperation of the Centre with its foreign counterparts is generally good, it is inefficient in central and east European countries whose difficult economic situation and the current system of payment agreements make the transfer of alimony payments impossible. For 1995, the Centre for International Legal Protection of Children and Juveniles transferred a total of SK 4,350,000 worth of alimony payments. During 1996, the Centre claimed alimony on behalf of over 2,900 clients and transferred SK 6,638,976 worth of alimony.

E. A child temporarily or permanently deprived of family environment (article 20)

88. The most serious intervention in the parent-child relationship is the detachment of a child from parental care and his or her placement in an alternative environment. Indisputably, the protection of the child's interests and rights is the primary responsibility of both parents. However, when the family fails, the State must assume this responsibility.

89. The Family Act and the State Administration of Social Security Act stipulate the responsibilities of local authorities of the central government in ensuring the protection of minors' rights and interests. The social and legal protection, executed by social workers and curators, includes:

(a) educational, advisory and inquiry activities;

(b) imposition of "adequate care" measures;

(c) aid to children in emergency situations;

(d) placement of children in alternative family care; and

(e) advocacy of children before court.

90. The educational, advisory and inquiry activities are mostly preventive. They are provided to families that seek help in solving their family and social problems.

91. Through the imposition of "adequate care" measures, the State strives to eliminate the causes and consequences of negligence on the part of parents or persons who have the care of the child. In less serious cases, the child and his or her parents may be rebuked. Since the inadequacies in family care have various reasons, the rebuke must be adequate to the nature of such inadequacies and imposed in an appropriate manner. If inadequacies in the care of a child are more serious, the family can be placed under supervision whereby the child is monitored on a regular basis with the aim to prevent further deterioration of care and remove the existing inadequacies. If the supervision fails to improve the care of the child in the family, the relevant social worker may adopt more radical measures in the interest of the child, e.g. to ask the court to rule on institutional placement of the child. The court may order institutional placement if the upbringing of a child is seriously endangered or violated and the previous measures failed to remedy the problem. If necessary and in the child's best interest, the court may order institutional placement also in the absence of previous measures. In 1993, government authorities issued 1,101 rebukes, 969 supervision orders and 209 restrictions. Almost 11,000 children were monitored. Social workers and curators conducted over 32,000 interviews with parents and children, and prepared and submitted 967 proposals for institutional placements (31 less than in the year before).

92. In exceptional cases, the law enables local offices of the central Government to take such measures, which are normally vested in the authority of courts. For example, if both parents of a child die and the child is left alone without any care at all, or if the life or health of a child is at a serious risk and intervention must be taken immediately. In emergency situations, assistance is provided to every child in the territory of Slovakia regardless of his or her nationality. The immediate institutional placement of a child in an alternative environment has the effect of an interlocutory order (of which the local Social Affairs Department must forthwith notify the court), valid only until the court verdict enters into effect. Such a procedure represents one of the most serious interventions of the State in the rights and duties of parents and is, therefore, used only in exceptionally urgent situations.

93. In recent years, institutions for alternative care in Slovakia have become more flexible in meeting the actual needs in the field of children's rights protection. Unlike in the past, at present there are a number of social care homes that provide temporary shelter for families and children in crisis. Slovakia has 22 nursing stations for children with an average capacity of 14 beds each. These facilities are designed to provide nursing care for children between 3 and 15 years of age (serving 624 children in 1995). In addition, there are 21 homes for mothers with children that sheltered 317 children and 4 facilities for children with various behavioural disorders (247 children). The homes for mothers with children provide accommodation, educational care and advisory services to lonely mothers with small children and to pregnant women who find themselves in a difficult situation. The length of stay at these homes spans from several days to several months.

94. Only the court is authorized to decide, after having assessed the weight of reasons, that a child can no longer be raised within his or her family.

Since such a decision represents a serious intervention in parental rights, it is very important that all parties in the case be as objective and unbiased as possible when reporting on the situation in the family of the child. Social workers (employed by the local office of State administration) play a special role in this, as they propose the form of alternative family care. The law unanimously favours alternative family care to institutional placement of the child.

95. Alternative family care takes several forms: (a) adoption of the child; (b) foster placement of the child (which has two forms: individual foster care, provided in classical family settings, or group foster care, provided in special facilities for foster care or in "SOS villages"); (c) placement of the child in the care of a person other than parent; and (d) guardianship over a minor.

96. From among all forms of alternative family care, adoption has a special position because it creates an artificial parental relationship. Other forms only substitute the exercise of parental rights with the original parents still having the duty of contributing to the support of the child. In 1993, a total of 275 children were placed in the care of their future adoptive parents.

97. The court will issue a foster placement order in situations where it is obvious that the reasons for which a child has been detached from his or her original family are likely to persist for a long period of time. A separate law on foster care regulates the conditions under which this type of care is delivered. The cost incurred in connection with foster care is partially borne by the State. The child receives a financial contribution in the amount necessary for his or her alimentation and other indispensable needs pursuant to the Subsistence Minimum Act. Per every child in foster care, the fosterer is entitled to 50 per cent of the adult rate of the minimum subsistence amount. During 1993, over 2,300 children had foster placements in 1,765 families. In most cases (80 per cent), fosterers are either grandparents or relatives of the child; the remaining 20 per cent are fosterers without any family connection to the child. Apart from family settings, foster care is also provided in special facilities. Fifteen such facilities house 92 children with their fosterers. The local offices of the State administration (county or district offices) monitor the standard of care in alternative family settings on a regular basis. Families that have problems with children in foster care may seek advice from various psychological and advisory centres, educational and psychological consulting agencies and paediatric health centres.

98. Foster placement, as a specific form of alternative family care, deserves special attention because children who are, for various reasons, placed in institutional care and cannot be adopted, are given a chance to live in a permanent and harmonious family environment.

99. In the course of 1995, 1,142 children were placed in the care of their prospective adoptive parents or in the care of persons other than their parents. In that year, 1,078 children were placed in institutional and protective care. Compared with 967 new proposals for institutional placement, only 159 proposals for the abolishment of institutional care were made

in 1995. Cooperation with the child's family in making the necessary arrangements for his or her return is insufficient or none at all. Also insufficient is the number of selected and prepared stand-by fosterers who are able to accept children in their care and thus eliminate their interim institutional placement. Moreover, incentives for the provision of foster care are insufficient. Institutional placement has an impact upon the psychological and spiritual development of children and often marks them for life. Those young people who have stayed in institutional care on a long-term basis are unprepared for their future role as parents and often fail in performing their parental duties.

F. Adoption (article 21)

100. Within the system of alternative care, priority is given to adoption, which is considered the most suitable legal means of ensuring the upbringing of a child in an environment other than his or her original family. Under the Family Act, the relationship between the adoptive parent and the adoptive child is equal to that between the parent and the child; the relatives of adoptive parents are related to the child accordingly.

101. The Family Act recognizes two types of adoption: (a) adoption, also called "simple adoption", and (b) irrevocable adoption. Both represent the so-called perfect adoption, whereby the legal relationship of the adopted child to his or her original family becomes void and the adopted child becomes legally integrated in the family of his or her adoptive parents. The difference between the two types of adoption is that in the case of irrevocable adoption, adoptive parents waive the option of posterior revocation and their names in the Register of Birth, Marriages and Deaths are entered in place of the child's original parents. Adoption is always decided by a court in a separate proceeding.

102. The above-outlined legislative arrangements of adoption in Slovakia are in compliance with the spirit of articles 20 and 21 of the Convention on the Rights of the Child.

103. To secure the protection of minors, it is necessary to coordinate the process of adoption of Slovak children abroad and put it in an appropriate legislative framework. As a consequence of social changes in the country, the interest of foreigners in adopting Slovak children has risen quite remarkably. All the de lege ferenda considerations in this respect are oriented towards the following:

104. In order to prevent the abuse of or traffic in children, the new situation should be addressed as soon as possible by adopting a separate law:

(a) such a law should secure that the advisory service, assistance and mediation activities in connection with intercountry adoption are only performed by the competent State authorities or commissioned agencies;

(b) in connection with the application of principles contained in article 20, paragraphs (b) and (d) of the Convention on the Rights of the Child, it is necessary to specify conditions enabling the intercountry

adoption of Slovak children in situations where it is no longer possible to ensure adequate care in the country of their origin.

105. Based on the above-mentioned, it is necessary to consider the accession of the Slovak Republic to the Convention on the Protection of Children and Cooperation in Inter-Country Adoptions and, subsequently, prepare and adopt the related legislation. However, the Slovak Ministry of Justice is of the opinion that the intention to prepare a law on intercountry adoption is controversial. By its decision No. 238 dated 11 April 1995, the Government set up a working group commissioned to fulfil the tasks ensuing from the Principles for the Accession of Slovakia to the Convention on Civil Law Aspects of International Abduction of Children and the Convention on the Protection of Children and Cooperation in Inter-State Adoptions. The working group has been asked to prepare a draft law regulating the aspects of the Convention on Inter-State Adoption. This law should only be applied to situations involving State Parties to the Convention. However, the Convention itself, as an international legal instrument, provides appropriate safeguards and control mechanisms that are necessary for an adequate implementation of the process of adoption abroad. In light of this, the passing of an internal "general" law on inter-State adoption is neither advisable nor meaningful and the indispensability of such an internal law is, therefore, currently under consideration.

G. Protection of children from all forms of physical or mental violence, injury or abuse and measures promoting their recovery and reintegration (articles 19 and 39)

106. In protecting children from all forms of physical or mental violence, injury or abuse, the local offices of State administration cooperate with specialized advisory centres. This activity puts high demands on the professional quality of those involved, because it requires an individual approach towards each and every client. The investigative part of their job has a specific character. It requires a very close cooperation of social workers with teachers, paediatricians, police and the community at large. The goal of investigation (inquiry) is to identify those families where parents fail in performing their duties towards children or endanger their upbringing. In 1993, Slovakia registered 9,981 children and juveniles with behavioural disorders. The role of the social worker is to step into the family and, through educational and advisory efforts, try to bring about a positive change in the family life to the benefit of the child.

VI. HEALTH AND CARE FOR THE CHILD

A. Inherent right of the child to life and development (article 6)

107. The obligation ensuing from article 6 of the Convention for the health and social care of the child is, in general terms, guaranteed in the Slovak Constitution, under which "Everyone shall be entitled to the protection of his or her health. On the basis of health insurance citizens shall be entitled to a free health care and medical aids under conditions stipulated by law".

B. Care of disabled children (article 23)

108. Pursuant to Act No. 543/1990 Coll. (as amended by Act No. 222/1996), county offices, as first-instance local agencies of the central Government, are commissioned to perform the function of State administration for the purposes of registering children and juveniles who, due to their disability, require a comprehensive coordinated care and coordinated delivery of such care.

109. The relevant provisions of the currently valid social security legislation, which govern the status of disabled children, are in conformity with the rights and requirements set forth in the Convention on the Rights of the Child. Nevertheless, the law fails to reflect all the circumstances that are necessary for the handicapped to fully exercise their right to an equal position with healthy children, enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate their active participation in the community. The full exercise of this important right is hampered by the existing barriers in architecture and public transportation, insufficient technical equipment of households, obsolescence or lack of orthopaedic and compensation aids, underdeveloped system of support services and insufficient aid to families with handicapped children. Last, but not least, it is also due to the inadequate attitudes and insufficient solidarity on the part of the community, stemming from the lack of information on the problems of the handicapped.

110. The Ministry of Labour, Social Affairs and the Family is currently in the process of finalizing the preparation of basic legislative standards that will ensure the creation of appropriate living conditions for citizens with disabilities. With the Employment Act already adopted, new laws on social insurance, State social support and social assistance are being drafted. This generally applicable framework will also address the issues of employment and social security for handicapped people and their families in a comprehensive fashion.

Social care of families with disabled children

111. The Convention on the Rights of the Child proclaims the need to ensure a special care for the disabled child within the legal system of social security and through various forms of community assistance.

112. The provision of a parental allowance to a parent who personally and properly cares for his or her disabled child on a full-day basis has been extended from 3 to 7 years. The amount of parental allowance is the same as that payable when caring for a healthy child, i.e. SK 1,470 per month. The allowance is paid also in a situation where a long-term heavily disabled child goes to a pre-school facility for a maximum of four hours a day.

113. The purpose of the recently adopted laws is to support the family caring for a disabled child also after the child has attained 7 years of age. Since a disabled child requires an extraordinary deal of care and a whole day attendance of one of the parents, such a parent is entitled to an allowance of care for a close person. The allowance is designed to offset the loss of income suffered by the family by virtue of having one of the family members,

who would otherwise work, caring for their significant one. In addition to the above-mentioned primary purpose of the caring allowance (i.e. to compensate for lost income), it is necessary to emphasize the human dimension of this type of support as it enables the disabled (including children) to receive care in their family settings. The allowance is provided up to the amount of the pension (which is the only source of income) at the rate equal to a 1.15 multiple of the adult subsistence minimum, which is SK 2,507 per month. A person caring for two or more disabled persons receives SK 4,428 per month. Only families whose disabled child is not placed in specialized institutional care are eligible for allowance of care for a close person. In addition, the State pays health and insurance premiums on behalf of those who receive parental or caring allowances.

114. As a compensation for extraordinary expenses incurred in connection with the care of a long-term heavily disabled child, parents also receive an extra bonus to the regular child allowance (in the amount of SK 500 and SK 700 before 31 August 1994, on the condition that the child is not placed in permanent or weekly in-patient institutional care). As of 1 September 1994, the extra bonuses were raised to SK 600 and SK 1,000 and eligibility for them expanded such that it does not expire even for the families whose disabled children are in a weekly type of institutional care. Moreover, families continue to be eligible for this type of support even with children placed in a year-long care of a specialized institution, whenever the treatment, compulsory school education or occupational training are the reasons for such placement.

115. The purpose of the above-mentioned legislative modification is to support the process of rehabilitation, education and training of the long-term disabled child and facilitate the cooperation of the family with specialized health-care providers and educational institutions.

116. The fact that a child is disabled is taken into account in determining the entitlement of parents to child allowances. The maximum level of aggregate income below which parents are entitled to child allowances is increased by an amount necessary (depending on the age) to provide for the proper maintenance and basic personal necessities of the disabled child pursuant to the Minimum Subsistence Act. People with serious disabilities, including children in social care, are also eligible for purpose-specific financial allowances provided to procure specialized equipment or aids. The only condition for eligibility is that the equipment or aid sought cannot be obtained or borrowed from a health-care institution. This does not apply to the procurement of mechanical or electrical wheelchairs and orthopaedic footwear. Children with serious disabilities or their parents may be given an allowance to make the necessary home adjustments, for the acquisition, repair or special adjustment of a car, for transportation or, on a one-time basis, upon discharge from institutional care.

117. The disability of a child is also considered in determining his or her specific social dependence. The sum necessary for feeding a child living on an expensive diet has increased by SK 700 (Regulation No. 243/1993 Coll. on Social Care). Under the law, the same increase is applicable to household needs if the disabled child requires a higher air temperature in the house, a larger apartment, or some other specific services.

118. The range of the purpose-specific allowances provided to people with serious disabilities (children included) within the system of social security also includes allowances paid to those who use orthopaedic, compensation or other aids. This particular allowance is designed to compensate for additional costs incurred by the disabled in connection with the wear and tear of clothing, linen and household fixtures while using such aids.

C. Health of the child and health-care services (article 24)

119. The right of the citizens to the protection of their health is set forth in article 40 of the Slovak Constitution. This constitutional provision is specified by the Health Care Act (No. 277/1994 Coll.) and the Treatment Order Act (No. 98/1995 Coll.). The law places special emphasis on the child's health care.

120. Paediatrics is one of the basic disciplines of medicine. It deals with the development of a human being from birth until the age of 18 with the aim of ensuring harmonious development of all physical and mental abilities of an individual and the entire young population. Paediatrics is based on a comprehensive body of scientific knowledge of child organism and studies the influences and circumstances that have an impact upon its development. In collaboration with other disciplines of medicine and science, paediatrics applies the state-of-the-art knowledge to design and maintain a comprehensive care of the child. Paediatrics deals with the child in health and in illness. All the endeavours of paediatrics are based on the WHO definition of health as a psychosomatic and social integrity of an individual with the environment. Paediatrics delivers prevention and treatment to children and provides for the primary prevention of illnesses among adults. It has a substantial influence upon the health status of the population and its average life expectancy, in conformity with a document entitled "Health for All by the Year 2000". The goal of the paediatric prevention is to improve the health of children, promote healthy life style and improve the quality of life. It includes care in the areas of proper nutrition, defence ability of organism, creation of optimum living conditions, early detection and rectification of physiological deviations, prevention of harmful habits, and many others. The main role in the care of the child is played by the family, which creates prerequisites for the child's present and future psychosomatic and social development. From this point of view, it is necessary to support the family and encourage active participation of parents in the acute, preventive and educational care of the child. In the field of medical care of the child, primary role is assigned to general practitioners and paediatricians.

121. According to section 18 of the Health Care Act (No. 277/1994 Coll.), the primary health care to children and juveniles is provided by paediatricians. Primary health care includes the basic ambulatory preventive care and treatment, including referrals to specialized ambulatory and institutional care, call service and emergency medical care.

122. When a child below the age of 6 is admitted to an in-patient care, section 26, paragraph 1 of the Treatment Order Act (No. 98/1995 Coll.) enables to admit, upon recommendation of the patient's physician, also a companion of the child. When admitting a child between 6 and 15 years of age, the hospital

may - depending on the physical and mental condition of the child and upon recommendation of his or her physician - also admit a companion, however, only with the consent of the auditing physician. The stay of such a companion is considered a part of institutional care. Along with the ill mother, her suckling may also be admitted to the hospital, in which case the stay of the suckling at the hospital is considered a part of institutional care.

123. Under section 32 of the Treatment Order Act, on the basis of health insurance, children and juveniles receive health care services also at various specialized paediatric institutions and homes for convalescents. Health care at these facilities is provided on recommendation of the child's physician. The placement of a child in a home for convalescents is subject to approval by the auditing physician. The diagnoses that make children eligible for admission to specialized paediatric institutions are listed in the Schedule of Health Services attached to the Treatment Order Act. The length of a child's placement in the care of a specialized paediatric institution is determined by its chief doctor. The homes for convalescents provide care to children aged 3 to 15, whose health is impaired by the adverse impacts of environmental pollution or whose health is at risk due to improper dietary habits. They also serve convalescents, whose condition does not require placement in a specialized paediatric institution or a spa resort. The length of stay in a home for convalescents is usually 21 days, with possible extensions upon the proposal of a physician and subject to consent by the auditing physician.

124. According to section 11 of the Treatment Order Act (No. 98/1995 Coll.), every person with health insurance is entitled to the provision of transportation to his or her health care provider, if his or her condition requires, in the opinion of a physician, that he or she be transported or relocated to and from the health care facility. Transportation is also provided to the company of the insured if, in the physician's opinion, necessary.

125. Special attention has been paid to paediatric prevention. In his or her first year of life, every child undergoes nine preventative examinations, of which at least three take place during the first three months. Follow-up examinations are taken when the child has reached the eighteenth month of age, third year, sixth year and, for children who have not begun their compulsory school education, also in the seventh year of age. Additional examinations are taken before a child is admitted to a kindergarten (entry examination), in the ninth, eleventh and thirteenth year of age, upon completing primary school education (exit examination), in the fifteenth year of age for children attending secondary schools, vocational schools, schools for apprentices and special schools (entry examinations). These are followed by examinations taken once every two years and by a final examination undertaken upon completing the secondary level of education. In the area of dental care, preventative examinations of children are taken twice a year.

126. Pursuant to section 19 of the Human Health Protection Act (No. 272/1994 Coll.), the Ministry of Health provides also methodological guidance in the field of children and juveniles' health protection.

D. Measures to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances (article 33)

127. The protection of children from the illicit use of narcotic drugs and psychotropic substances and the prevention of the misuse of children in the illicit production and trafficking of such substances are based on the relevant international conventions by which the Slovak Republic is bound.

128. The currently applicable criminal law of Slovakia defines the criminal offence of unauthorized production and possession of narcotic and psychotropic substances, poisons and precursors in the provisions of section 187. Whenever such a criminal offence is committed against a person below the age of 18, the offender faces a substantially heavier penalty.

129. According to section 188 (a) of the Penal Act, it is also criminal to entice another person to abuse a drug other than alcohol or to promote, incite or spread the abuse of such a drug.

E. Social security of the child (articles 26, 18 (3) and 27)

130. The basic rights of the child in the area of social security and care are laid down in the social security legislation, which is based on the general framework proclaimed by the Slovak Constitution. Under Article 39 of the Constitution, "citizens shall be entitled to an adequate material security in their old age, when their capability to work is impaired or when they lose their breadwinner" and "everyone in material distress shall be entitled to an aid necessary to provide for the basic conditions of living". The Constitution specifically provides for the protection of children in the area of social security and spells out additional rights supporting the protection of the child and the family.

131. If social security is understood as a system of measures of both material and immaterial nature, designed to provide a citizen with social security in various legally stipulated situations, events and circumstances, the same is true as far as the protection of the rights of minors in the sphere of social security is concerned.

132. The system of social security, which specifically implements some of the provisions contained in the Convention, is currently undergoing a thorough transformation aimed at developing a new system that stimulates everyone's active participation in providing for the necessities of their life and the life of their families. The new system will reflect the principles of a reasonable solidarity and provide - where appropriate and meaningful - also some guarantees of the state.

Health insurance benefits and pension benefits

133. The health insurance and pension insurance benefits represent a very important component within the system of social security, particularly for families with dependants. These benefits represent a legally guaranteed source of substitute income in a situation where a child loses one or both

parents, when a woman is pregnant, delivers a child or is on a maternity leave, or if the child falls ill. When any of these social risks occur, income and health insurance benefits become the main income sources for a family.

134. Although the pension and health insurance benefits are important in terms of covering certain specifically defined social risks, they do not represent a major source of income disbursed from the social support schemes to households with dependants. Such families receive most of their social support through child allowances, parental allowances and social support benefits.

Parental allowance

135. Parental allowance is paid to one of the parents (usually the mother) who takes regular care on an all-day basis of a child below the age of 3, or cares of a heavily disabled child up to the seventh year of age. If the mother has a health insurance policy, she becomes entitled to a parental allowance after she has received all the maternity benefits she was entitled to. If not insured, she may ask for the payment of parental allowances immediately after the birth of the child. In 1994, parental allowances were paid out to 161,000 persons, which is only by 1,000 person less than in the year before (compared with 153,000 in 1991, for example). While in 1995 parental allowances were paid out to 155,000 persons, their number fell in 1996 (to a monthly average of 144,000), which is connected with the decline in the Slovak birth rate.

136. From 1993 to December 1996, the amount of parental allowance was identical with the amount necessary to provide for subsistence and other necessities, which is established from time to time by the Minimum Subsistence Act. Effective 1 October 1996, the amount of parental allowance equals 1.68 times the minimum subsistence income.

137. Even a working parent continues to be eligible for parental allowances provided, however, that his or her gross income does not exceed 50 per cent of the minimum wage. No income restriction applies to a single or spouseless parent.

Child allowances and extras to child allowances

138. A new law regulating child allowances and extras thereto entered into effect as of 1 September 1994. Under the new law, this type of allowance ceased to be disbursed as the benefits of the income or health insurance scheme and became a part of the social security package.

139. In light of the experiences with the practical application of the law, its amendment, which took effect as of 1 July 1995, stipulates the eligibility for child allowances as follows:

(a) dependant must be below 28 years of age;

(b) beneficiary [of child allowances] cares of the dependant in the family;

(c) beneficiary has a permanent residence in the Slovak Republic. If the beneficiary is not a citizen of the Slovak Republic, he or she must have had a permanent residence in the Slovak Republic for at least one year prior to submitting application for child allowances;

(d) dependant has a permanent residence in the Slovak Republic; and

(e) aggregate income of persons under consideration does not exceed the double of the subsistence minimum as, from time to time, established in a separate law.

140. The amount of child allowances is defined in relative terms, i.e. as a percentage of all sums necessary to ensure the basic maintenance of the dependant. If the total income of persons under consideration is below 1.5 multiple of the subsistence minimum, the amount of child allowances equals 50 per cent of the sums necessary to ensure maintenance of the dependant and meet his or her basic needs. If the income is below the double of subsistence minimum, child allowances are paid at amount equal to one third of those sums.

141. As of 1 July 1995, the following amounts of child allowances are paid (monthly), depending on the aggregate income of persons under consideration and the age of the dependant (in Slovak crowns - SK):

Dependant's age	Aggregate income of persons under consideration	
	up to 1.5 multiple SM	1.5-2 multiple of SM
up to 6 years	570	380
6-9 years	630	420
10-15 years	740	490
15-28 years	800	530

142. According to a survey carried out in December 1995, a total of 673,536 persons in Slovakia received child allowances, of which 80.1 per cent qualified for the lower income band (i.e. they received allowances amounting to one half of all sums necessary for the dependant's support) and 19.9 per cent qualified for the higher income band. The lower income band (up to 1.5 multiple of SM) included 77.2 per cent beneficiaries from families with up to two children, 16.8 per cent from families with three children and 5.9 per cent from families with four and more children. In 1995, Slovakia disbursed allowances for a total of 1,229,338 dependants.

143. The above-presented figures show that the applied principle of "social solidarity" managed to ensure that child allowances have been disbursed primarily to the benefit of the socially weaker families. At the same time, also the internal differentiation of families (by the number of children) within the lower-income band shows that child allowances are well directed in terms of helping those in real need. The total monthly outlay in child allowances and extras to child allowances represented SK 830.5 million.

Families endangered by poverty

144. The system of social care also involves care for families who found themselves in material hardship. The income and property of these families are insufficient to provide for the basic needs of life, that is nourishment and accommodation. Families endangered by poverty are usually those where one or both parents are unemployed or families where one of the parents neglects his or her duty of care by avoiding alimony payments.

145. Generally speaking, the avoidance of alimony and the problems connected with the enforcement of this particular type of parental duty exist ever since the system of alimony payments was introduced. The situation is even more complicated when parents, who live on social benefits, are obliged to pay alimony. Judicial practice shows that it is often impossible to withhold alimony payments from the income of such persons even if the court mandated so.

146. If the avoidance of alimony is the reason for the social dependence of a child, the State provides the child with the so-called alimentation advances. During 1994, social affairs departments of the local offices of State administration disbursed alimentation allowances (usually repeatedly) to 17,867 children in the total amount of SK 59 million. In 1995, alimentation advances worth SK 54 million were provided to 17,575 children. In aggregate terms, local offices of State administration paid alimentation advances to 130,205 children in 1995 (compared with 155,630 children in 1994), of which only 1.22 per cent represented one-time advances (compared with 0.9 per cent in 1994). All the other advances were paid repeatedly. The number of children who receive alimentation advances is growing.

147. The second large group of social-support beneficiaries includes families where one or both parents are unemployed. The reasons for their dependence are either low unemployment benefits or a loss of entitlement to them. Effective 1 January 1992, the original 12-month period of unemployment support was curtailed to a half. Over the past three years, the average rate of unemployment spanned from 11 to 14 per cent, which translates into 260,000 to 370,000 jobless. The combination of the two caused that the number of those who receive no unemployment support rose dramatically. While in 1991, only 18 per cent of jobless were not eligible to support, in 1992 and 1993, as much as 66 per cent of all job seekers registered with Labour Offices received no unemployment support at all.

148. To get a complete picture of the situation, let us add that the provision of social support is not limited purely to families with jobless parents. Also families, where both parents work, find themselves below the level of subsistence minimum, particularly those with more children. On the whole, families with income below the subsistence minimum level represent 5 per cent of the total. However, in the group of families with three and more children, as much as 30 per cent are below the minimum income level.

Alimentation advances - number of children

Advances	1991	1992	1993	1994	1995
One-time	4 136	2 974	1 143	1 721	1 590
Repeated	33 324	92 355	114 821	153 909	120 312

Direct financial support to families in material hardship (in millions of SK)

Expenditures	1989	1990	1991	1992	1993	1994	1995
Alimentation allowance	29	29	59	262	361	648	492
Social support to families	72	67	107	891	1 310	2 247	2 509

149. In 1995, local offices of State administration and townships provided social support allowances to 179,148 families with children (compared with 174,908 in the year before). The outlay from the State budget for this particular purpose amounted to over 2.5 billion crowns (2 billion in 1994). The 1994 growth in expenditures on direct financial support to families in material hardship is connected with the rise in the number of recipients while, at the same time, the amount representing subsistence minimum remained on the 1993 level.

Subsistence minimum (SM) limits for alimentation

SM limit for	1994	1995
Child of up to 6 years	1 010	1 130
Child between 6-10 years	1 130	1 260
Child between 10-15 years	1 350	1 470
Child over 15 years	1 460	1 590
Other persons	1 350	1 470
Per household - according to number of persons	1 190	1 240

150. From among all budgetary outlays, government expenditures on social support schemes show the highest dynamics of growth. This forces the social policy reformers to repeatedly revise the currently prepared system of social security. It is important to design a system of social insurance that covers retirement, illness, unemployment and accidents, as well as the system of social support, in such a way that the new system (which will replace the current system of social care) will address, via various tools, only non-standard situations of social destitute. This is especially acute with respect to the support of the unemployed and their families.

Social security and social-legal protection of children in Roma families

151. In the past, the Communist regime took every opportunity to manifest its ideals of social justice and equality. As a part of this effort, Roma became an object of intensive integration into the uniform mass of communistic society, despite the fact that the Roma population differed from the rest of the society by their cultural heritage and way of life. Roma families have typically more children and are used to living in a colony-type of communities.

152. The official government policy used to treat Roma more favourably than the rest of the population (Government financed the buy-out of houses in colonies, provided special allowances on food for Roma children at school canteens, and paid Roma women sterilization allowances).

153. The Charter of Fundamental Human Rights and Freedoms, adopted in 1990, obliged the State to treat all citizens of the country equally. This meant that all institutions and instruments specifically designed to give the Roma population special treatment were abolished.

154. The demographic structure, level of education and economic activity of the Roma considerably differ from the rest of the population. The chances of a Roma to find a job on the labour market are dim, particularly in some counties of Slovakia (Rožňava, Spišská Nová Ves, Rimavská Sobota) where Roma represent 50 per cent of all unemployed. Unemployment, along with the high proportion of socially dependent persons, mean that entire families and communities of Roma live on social support benefits, mainly child allowances. However, many of them are unable to manage these funds. Instead of feeding their children, they tend to misuse child allowances, mainly on alcohol, which evokes general dislike, aversion and lack of interest on the part of the rest of the society in helping the Roma to get over their social handicap. The only solution to this problem is the provision of an in-kind type of social support (food, tickets for school meals). This approach, however, increases the workload of social workers at local offices of State administration. Local-governments and municipalities do not have a clear idea as to the most appropriate way of integrating Roma into local communities.

155. The generally negative attitudes towards the Roma population are also reflected in the social-legal protection of Roma children. In spite of the fact that the competent authorities in Slovakia have registered 592 applications for adoption and 169 applications for foster care, Roma children remain in institutional care. Most of them spend their childhood in institutional care. Only applicants from abroad show interest in adopting Roma children. As of now, however, Slovakia has no legislation that would make such an inter-country adoption possible. In August 1994, the Government decided to consider the conditions for the ratification of the Hague Convention on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoption of 15 November 1965.

VII. EDUCATION, INSTRUCTION, LEISURE TIME AND CULTURAL ACTIVITIES OF CHILDREN AND JUVENILES

A. Education of children and juveniles (articles 28 and 29)

156. In exercising the rights of children, the Slovak Republic gives priority to the implication of humanity into their education and development. Education, as one of the main instruments for the implementation of the rights of the child, meets its objective only if it perceives the child as an active element and subordinates the entire organization of the process to this concept. Apart from the family, schools also play an irreplaceable role in the development and education of an individual.

157. The current school system of the Slovak Republic is a result of extensive reform, which took place in the second half of the 1980s. At the primary and secondary levels of education, the following changes occurred after 1989: gradual elimination of political ideology from the curricula; abolition of the Russian language as a first foreign language; and partial retreat from the principles of a uniform school system.

158. Additional changes took place in connection with the amendment of the School Act (No. 29/1984, as subsequently amended) and the adoption of a new Universities Act (No. 172/1990, as subsequently amended).

159. The School Act amendment broadened the differentiation and diversification of education, introduced several alternatives to the curricula for primary schools, enabled the creation of a new type of secondary grammar schools (with eight grades), facilitated the development of private and church schools, etc. This has created better prerequisites for the application of some of the fundamental human rights; e.g. the right of parents to choose the type of school they want their child to go to, the right of children to receive education corresponding to their individual capabilities and interests, etc. Some of the steps in this direction included a partial liberalization of the enrolment for secondary and higher schools, possibility for children to apply for a study at more than just one secondary school or university, acceptance of students (subject to certain conditions) to study certain specialities at secondary schools and universities without undertaking entry examinations, and the like. The reintroduction of classes on religious education was done to support the exercise of the freedom of religion and belief.

160. In addition to the amendment to the School Act, the Slovak legislators adopted two regulations that are closely connected with education: Act No. 279/1993 Coll. on School Facilities, and Decree No. 222/1993 Coll. of the Ministry of Education, which sets forth requirements for professional and pedagogical qualifications of teachers.

161. Educational process in Slovakia is carried out within a system of pre-school facilities, primary schools, secondary schools and universities.

162. The pre-school level of education (kindergartens) represents one of the most important components of the educational system in the Slovak Republic, as it complements family upbringing, supports the universal development of

children and prepares them for entry into primary schools. Before 1990, the system of pre-school education also included nurseries (for children between six months and three years of age). The 1990 law on municipal governments brought nurseries under the jurisdiction of local-governments; moreover, many of them were abolished. This, together with the rise in nursery-care fees, caused more and more mothers with small children to start to exercise the option of extending their maternity leave up their child's attaining three years of age. The Law on School Facilities also recognizes specialized kindergartens for the mentally or physically handicapped children and special pedagogical-advisory centres as an integral part of the pre-school education system. It also enables the creation of integration centres for children, which, for the time being, operate on a trial basis only.

163. In 1998, the duration of compulsory education was again extended to 10 years. Curricula for the first module of primary schools (grades 1 through 4) changed in the school year 1993/94. In addition to the core curricula, primary schools were given a possibility to pursue two additional options: a linguistic or a natural-science-dominated curricula. The School Act amendment enables the second module of primary schools to pursue four alternative curricula. In addition, a school may also adopt curricula with extended classes in mathematics, foreign languages, sports and music, and thus enable children to develop the best of their abilities and talents.

164. Upon completing their primary level of education (in eighth or ninth grade), children may choose to study further in the system of secondary schools, which provide:

- basic vocational education (schools for apprentices);
- mid-level vocational education (vocational school graduates receive certificates of accomplishment);
- higher vocational education (full-fledged secondary education, graduates with the equivalent of a "GCE" A Levels certificate);
- full secondary general education (provided at secondary grammar schools, graduates receive the equivalent of a "GCE" A Levels certificate); and
- retraining schemes (organized by specifically accredited secondary schools).

165. The School Act amendment of 1990 provides for the creation of secondary grammar schools of four up to eight grades. At the moment, there are over 40 secondary grammar schools of eight grades. An eight-grade secondary grammar school provides general secondary education. The educational goals of such a school are identical with those of a four-grade grammar school, mainly to prepare students for university studies. One of the roles of a grammar school with eight grades is to support external differentiation of students who have finished their fourth grade (i.e. primary level of education), depending on the abilities and interests of the child on one hand, and the

capacity of the school, on the other. Internal differentiation of students is ensured by a spectrum of optional subjects, which, however, depends on the available financial resources.

166. The success of a school depends on its philosophy of education and its ability to apply such a model of education, which places the personality of a child in the focus of the entire process.

167. Only an environment that respects the needs of the child makes it possible to develop his or her positive qualities and quell the negative aspects of personality. One of the problems of today is the absence of positive role models for the young generation. For this purpose, the Ministry of Education included ethics in the curricula of secondary schools. The goal of this subject is to develop the ability of the child to accept other persons, to cooperate with them, and to respect pro-social values and behaviours. The syllabuses of ethical education are based on the use of experiential teaching methods, which, step by step, help the students to identify themselves with these attitudes and apply them in various situations of life. Similarly, environmental education is one the subjects (divided in several classes) which adds a positive dimension to the new curricula. (In off-school settings, children may participate in the activities of various environmental movements, e.g. the "Tree of Life".)

168. Religious education was reintroduced in the curricula of primary and secondary schools in the school year 1993/94. Religion is taught in the first four grades of primary schools as an optional subject. In the fifth through eighth grade, children may sign up for classes either in religion or ethics. One of the two subjects becomes compulsory also in the first two grades of a secondary school. Moreover, religion classes may be taught as an optional subject at all grades of secondary school. In terms of logistics, religious education is organized by the local offices of State administration (departments for schools and culture), while the relevant church authorities or religious associations are responsible for its contents and professional level.

169. Some themes relating to human rights and education towards citizenship are included in the subjects Civics and Society. In terms of the overall focus as well as in terms of the contents, this is a new element in education, therefore it is being implemented through a number of projects: at Comenius University in Bratislava the Chair for Human Rights was established with the focus on training the secondary-school teachers in the field of human rights. Another project, Human Rights at School, is designed for teachers in primary and secondary schools and focuses on conveying basic information about methods of teaching human rights. Youth for Tolerance - a project implemented with UNESCO support - focuses on youth in all types of schools. The first ALIEN publication, dealing with the issues of combating racism and intolerance, designed primarily for youth, was issued in 1994. A calendar of events organized by the Slovak Youth Council, the Centre for International Exchanges of Children and Youth, as well as by other youth organizations and bodies, was published in the context of 1995 - the International Year of Tolerance.

Education of the disabled child

170. In the past, the education system for children with disabilities was built as a separate one, in the form of schools specialized in education of children according to the particular disability. Education carried out in these schools reached a relatively high level, but they were under-equipped. Because of the economies of scale, however, the number of special schools was rather low. Only schools for mentally disabled children were accessible locally. In the case of the children with physical, eyesight, hearing, and speech disabilities, compulsory education could not be provided in the system of special schools without the separation of the child from his or her family.

171. The quality of education for disabled children has markedly worsened in five years, in the context of radical decline in the standard of living of the families with children. This led to the so-called "forced integration" due to the pressure exerted by parents, who could not any longer afford to place their child in a remote special school. Regular schools, though, were not prepared for integration both in the financial and technical terms. The situation, however, is gradually getting better.

172. At present, the education system for children with disabilities is in the process of transformation. A system of special pedagogic counselling centres and integration centres for children is being built. Their purpose is, within small geographical areas, to ensure the care of the disabled child and to provide expert assistance to the families, with the objective to prevent the secondary retardation in the development of the child and to create conditions for spontaneous integration of the child at his or her school age.

173. The current situation in the education of the children with disabilities in the Slovak Republic is characterized by:

(a) preference given to special education (i.e., special buildings, special transportation of the child to and from the school, often unnecessarily special contents of curricula and special instructional methods, etc.);

(b) not enforcing every child's right to education (current legislation allows, in specific cases, to free a child from compulsory attendance of school); and

(c) the fact that the attempts at integrated education are frequently chaotic, without ensuring all the requirements that are necessary for the education of a disabled child (specialized teachers, necessary aids, personal assistants, etc.).

In the regular schools, the programme of removing access barriers is being gradually implemented, alongside with the programmes of equipping the integrated children with compensational aids, and of recruiting teachers with qualifications in teaching children with special needs. This process, however, is a long-term one, due to the financial challenge it presents.

B. Children's leisure time and implementation of their cultural activities (article 31)

174. On average, a child spends in the family environment only one fifth of his or her time, about one half of the time is spent at school, and the rest is the child's leisure.

175. The manner of spending the leisure time shapes the young personality towards his or her further profiling and growth. It is therefore one of the essential and decisive factors in determining the child's further development.

176. The Ministry of Education of the Slovak Republic organizes leisure activities through leisure centres for children and youth and through school centres for activities. The centres are in operation the whole year and contribute to the development of children's interests. They also create conditions for evolving and improving children's practical skills and help to create good habits in children with regard to meaningful spending of leisure time. The centres provide active relaxation, recreational activities, and education of children and youth through activities in sports, culture, natural and technical sciences, and humanities. They cooperate with other school facilities and with civil associations.

177. In the school year 1994/95, 124 leisure centres and school centres for activities were in operation in the Slovak Republic. They provided regular activities in 4,434 units, which were being visited by 65,861 members. Apart from the regular activities mentioned above, events such as contests in different school subjects, trips, outings, discussions, excursions, social and sporting events as well as summer camps are also organized. It can be stated that 7.3 per cent of the overall population aged 6-15 participated in the regular activities organized by the facilities concerned with children's and youth's leisure activities.

178. The positive orientation towards a sound spending of leisure time in the centres acts as effective prevention of anti-social phenomena and addictions. The above facilities are gradually including in their educational activities events that focus on drugs and other negative phenomena. These events are in the form of discussions, lectures, seminars, exhibitions, and contests. The centres also develop methodological material for educators.

179. Another element in the system of institutions that provide opportunities for children's leisure, are the Basic Art Schools, which provide the basics of artistic education in the different fields of art. The objectives of artistic education at the Basic Art Schools are to prepare the child for interaction with art, to provide him or her the basic knowledge, skills and habits in the different arts, as well as to positively form the child's personality. For the narrower group of gifted pupils, these schools enable preparation for the study at secondary and higher-education schools with orientation towards art, art theory and art teaching.

180. In 1994, KONSTANTIN, an important project of the whole Slovak educational system was developed. The objectives of this programme brought the principle of humanization of, and increased creativity in, education back to the centre of considerations and plans. This project, as a result of

intellectual effort of a broad spectrum of pedagogic experts, gives the artistic education a chance to maintain its status, integrity and principal functions.

181. As regards the Basic Art Schools, the current structure remains basically unchanged. It is a two-level structure with the possibility of extended study and of utilizing alternative principal pedagogic documents. It is recommended to introduce the openness of classes, with the possibility of accepting a pupil on the basis of demonstrated knowledge and abilities. Due attention will be paid to creating conditions for establishing non-State Basic Art Schools.

182. Current legislation will in the near future require more exact formulation of legislative conditions for the existence of artistic education as a whole.

183. Activities for children and youth in their leisure time are also provided by civil associations. Their activities are diverse and cover the areas of culture, physical education and sports, environmental education, recreation and relaxation, and include international mobility and events focused on primary protection from socio-pathogenic phenomena. These associations ensure most of their activities through various projects, which are developed for several years, or are permanent.

184. The support provided by the State to the leisure activities of children and youth is also reflected in the implementation of the Programmes of Protection and Support of Children and Youth in the Slovak Republic, which are organized annually. In 1995, projects were submitted by associations of children and youth, civil associations, foundations, centres of leisure, schools, and other organizations working with children and youth. The programmes were opened in the following theme categories:

(a) programmes for disadvantaged groups of children and youth;

(b) programmes of promoting the provision of information to, and integration into society of, children and youth;

(c) international programmes for children and youth;

(d) programmes of creative activities; and

(e) programmes of training in work with children and youth.

185. In 1995, the Ministry of Education of the Slovak Republic financially supported 221 projects, the majority of which were submitted in the category of programmes of creative activities, which reflects the effort on the part of the programme developers to organize for children and youth a meaningful way of spending their leisure.

186. IUVENTA - the Institute for Children and Youth, affiliated with the Ministry of Education of the Slovak Republic - has a special position among the facilities that are concerned with the issue of children's and youth's leisure. The Institute combines research, experimental and methodological

activities with the direct work with children, implemented in various forms of activities of interest. IUVENTA, as the central methodological facility, provides assistance to all interested parties, who are involved in work with children and youth. In cooperation with partnership organizations, the Institute organizes different types of courses and training both at the fundamental and superstructural levels. The spectrum of activities it offers to children and youth is very broad and includes all forms of activities. In this respect, a significant activity is the work with the talented children and youth. IUVENTA is delegated by the Ministry of Education of the Slovak Republic to be the guarantor and organizer of the final rounds of the "Olympic contests" in different subjects, as well as of various competitions including the international ones. Special attention is paid to establishing contacts with other countries and to arranging international exchanges of children, youth and teachers, as well as to the development of an information system in the area of children's and youth activities.

187. Culture is a natural environment in which a child or a young person finds himself or herself, is confronted with it, and, consciously or unconsciously, is influenced and shaped by it. It can therefore be stated that culture is a significant element in the contents and form of spending leisure time.

188. On the basis of the aforementioned, the Ministry of Culture of the Slovak Republic, within the framework of its jurisdiction, creates universal conditions for participation of children and youth in cultural life and in this way the Ministry contributes to the development of children's talents and creative abilities, especially in the area of art. The network of more than 200 State cultural facilities (libraries, museums, cultural and educational facilities, galleries, observatories, zoos) that are managed by the Ministry, in line with their mission and focus, organize various cultural activities that are specifically aimed at this particular audience. Many of the mentioned activities are of country-wide or international importance. Bibiana, the International House of Art for Children in Bratislava, has a special position in the network. With all its activities, it focuses on the development of the child, his or her personality, cultural behaviour and national awareness.

189. In the area of print culture, the development of the child reader is ensured through a fund for promoting the publishing of press and literature for children and youth. This fund annually supports many interesting and valuable projects through the State fund Pro Slovakia.

190. The work with children and youth is a regular part of plans that are developed by the State cultural institutions - the Centre of Folk Art Production (ULUV) and the National Educational and Cultural Centre.

191. The Centre of Folk Art Production is a State cultural organization that is delegated by law to ensure preserving, development and accessibility of cultural values of traditional folk art and crafts. Consequently, a portion of its cultural and educational activities are focused on children and youth. In this way it enables this section of population to have access to the values of national culture, appropriate to their age and abilities. Within the framework of its publishing activities, ULUV is oriented towards production

and dissemination of such books for children that contribute to developing and shaping the personalities of children through writing about traditions of the children's own nation. Instructional courses and seminars for children with disabilities are also regularly organized. Through instructions and hands-on experience, children get the opportunity to familiarize themselves with traditional techniques of making folk art products, in which they apply their creativity - a significant precondition for further development of their cultural and artistic activity.

192. The National Educational and Cultural Centre, in cooperation with 36 State regional cultural centres in the Slovak Republic, regards as one of its major objectives the promotion of conditions for healthy development of children and youth. In this area, the dominant activities focus on preparing children and youth for partnership, marriage and parenthood, on prevention of drug addiction, and on education about health for children and youth. The above activities are implemented through a number of events. More specifically, it is the regular Slovakia-wide competition "Train Without Borders" focusing on combating drugs and secondary-school youth, as well as the events dealing with the assessment of the juvenile crime and of the preventive and educational measures taken by the State in this respect. Within the framework of its publishing activities, the Centre publishes a methodological circular entitled "Drugs - a problem of society", which deals with assessing different aspects of efficacy of the primary prevention in families, in schools and within the leisure activities of children and youth. Seeking to prefer activities focused on families and their members, the Centre emphasizes the informal nature of events organized for children and youth by the cultural and educational facilities at all levels. The Centre also seeks to create a platform for exerting a positive influence on the social, marital, sibling and parental relationships.

193. There are 53 museums operating under the Ministry of Culture of the Slovak Republic. On the basis of the final statistics for 1994, and partly for 1995, the museums provide 330 permanent exhibitions, and about 850 theme exhibitions are organized annually, of which two thirds are related to interests of children and youth. Many events (such as the exhibitions of children's art work, the Schola Ludus events, or the international exhibition of toys) have been implemented on the basis and in the spirit of the Convention on the Rights of the Child. According to the available assessments, the average annual attendance in museums in the Slovak Republic is about 3.6 million visitors, of which 2 million are children and youth, who get discounts on admission fees.

194. In the Slovak Republic, there are 18 State galleries that, within their framework of activity, also include into their exhibition plans cultural and educational events aimed at the education of the young generation.

195. The principles for the transformation of culture that is now under preparation envisage strengthening of cultural activities for children and youth in the area of museums and galleries, which would enable even more effective application of the relevant provisions of the Convention on the Rights of the Child.

196. Within the framework of the development of cultural activities of children and youth in the Slovak Republic, a number of activities are organized that are oriented towards developing their artistic activities - such as the regularly held festivals "Theatre and Children" and "Child in the Theatre", the child folk dance festival in Prešov, events in children's ballroom dancing, etc., which are an organic part of the National Educational and Cultural Centre's activity.

197. Slovak Television pays close attention to the production of programmes for children and youth. The programmes from the Slovak Television's Centre of Production for Children and Youth, with their high professional and ethical quality, attract the attention of foreign experts, which is demonstrated by significant awards at international festivals such as Prix Jenuesse (Germany), Prix Danube (Slovakia), prizes from the festivals in Plovdiv, Chicago, Bombay, etc. In the State television's broadcasting programme structure, the time allocated to children continues to have a relatively favourable length: three hours daily. Of this time, approximately one half is devoted to documentaries and information programmes for children, one quarter to programmes from abroad and the rest is the Slovak drama production, which can in this way purposefully participate in the educational process and in sensitizing children to the aesthetic and humanistic values.

198. In radio broadcasting, efforts aimed at reaching the child listener were already present in the times of the previous regime. After 1989, there has been a tendency in radio broadcasting for children to largely broadcast information programmes. Musical and artistic educational features of a kaleidoscopic nature are broadcast daily. A certain negative is the fact that the literary and musical production unit in the Slovak Radio was closed down, which led to the termination of thematic features on culture as well as on other areas within children's sphere of interest. From among artistic programmes only the radio fairy tales and radio plays for children have been kept, which are, however, mostly from the stock of older recordings and therefore don't respond to the present and to the child's or young listener's experience.

199. Theatre for children and youth has a rich tradition in Slovakia. This artistic activity has been present at two parallel levels: performances played by children or school youth and performances played by adults (professionals as well as amateurs) for children. Specialized theatres for children and youth continue their operation - these are the Theatre in Trnava (established in 1974), Theatre in Spišská Nová Ves (established in 1980) and the Schola Ludus Theatre in Bratislava, active in this field from 1991. There is a network of five professional Puppet Theatres in Bratislava, Nitra, Žilina, Banská Bystrica and Košice, which are all members of the International Association of Puppet Theatres (UNIMA). A significant contribution to the productions for children and youth is made by amateur theatre groups, both those made up of children and those made up of adults, which carry out their activity either as children groups at schools, or groups that fall into the scope of activities of the houses of culture or of the centres for children and youth.

VIII. SPECIAL MEASURES FOR THE CHILD'S PROTECTION

A. Children in conflict with the law (article 40)

200. The internal legislation of the Slovak Republic protects the rights of the child in a law-violating situation from the following three perspectives:

(a) a situation where a child commits a criminal offence;

(b) a situation where a child becomes an object of assault; and

(c) a situation where a child receives special attention in a crime prevention effort.

Situations where a child commits a criminal offence

201. As mentioned in the text above, the Penal Code stipulates the age of 15 as the threshold of criminal liability. In other words, those who have not attained the age of 15 cannot be prosecuted for infringements upon the criminal law. Under certain circumstances, some legal sanctions of the Penal Code can be used against minors. This applies to cases regulated by section 86 of the Penal Code. According to section 86, if a person over the age of 12 and below the age of 15 commits a criminal offence for which the Penal Code prescribes an exceptional penalty, the court may, in a civil-law action, rule on placing such a person in protective care. The court may do so also when the protective care is necessary to ensure the proper upbringing of a child below the age of 15, who has committed an offence that would otherwise be classified as criminal.

202. The term "juvenile delinquency" refers to offences committed by persons above the age of 15 and below the age of 18. The lawmaker expresses the idea of equality before law by applying different conditions for criminal liability to juveniles and adults (juveniles are less experienced and their physical and mental development is not yet accomplished).

203. In light of these differences, it is necessary to mention, in general, some of the provisions of criminal law, which put juveniles in a more favoured position, compared with adults:

(a) a juvenile offender must have an attorney from the moment he or she is informed of the charges against him or her;

(b) in a criminal case proceedings, it is necessary to thoroughly ascertain the level of the juvenile's mental and moral development, his or her character, circumstances under which he or she has been raised, his or her behaviour prior to and after committing the offence, as well as other circumstances that may be necessary for determining the appropriate means of correction;

(c) even where the reasons for imprisonment are substantial, the relevant authorities involved in criminal proceedings must thoroughly consider such a radical intervention in the personal freedom of a juvenile as the imprisonment is;

(d) the main hearing may not be held in the absence of the juvenile. The court must notify the authority of juvenile care of the date of the main hearing and of arraignments;

(e) the court will rule the public out of the main hearing, if such a move is in the best interest of the juvenile. The chief judge may order the juvenile to abstain from participating in certain parts of the hearing, if such parts might have an adverse impact upon his or her moral development; and

(f) apart from other authorized persons, also the authority responsible for juvenile care may bring forward certain remedies to the benefit of the juvenile, even against the will of such juvenile.

204. Chapter Seven of the general part of the Penal Code contains special provisions regulating the prosecution of juveniles. Particularly with a view to the criminal liability of juveniles, section 75 applies a moderating principle based on which an act prosecutable under the penal law is not considered a criminal offence if committed by a juvenile and if the grade of its dangerousness is low. Additional provision favouring juveniles is contained in section 77, paragraph 2 of the Penal Code, based on which the court may desist from sentencing a juvenile and order a protective care instead, when such a care is deemed to have a better corrective effect than the sentence.

205. Compared with adult offenders, juveniles enjoy a more favourable treatment in terms of applicable sentences. Pursuant to section 78 of the Penal Code, a juvenile may only be sentenced to custody, forfeiture of a thing, expulsion from the country and, if the juvenile is gainfully employed, also to a pecuniary penalty. The current law enables the court to enjoin a juvenile from a certain activity or occupation insofar as it is does not hinder his or her preparation for future profession. The maximum limit for any such restriction may not exceed five years (compared with 10 years for adults). From this particular perspective, paragraph 1 of section 79 is one of the most significant provisions of the Penal Code, as it enables the court to reduce the sentence of imprisonment in the case of juveniles to a half of what an adult would receive. The upper limit of such a sentence may not exceed five years and the lower limit may not exceed one year. Under the Penal Code, the court may - subject to conditions stipulated in paragraph 2 of section 79 - impose a heavier sentence (5-10 years in prison) only in the case where a juvenile committed a criminal offence which qualifies for an exceptional sentence.

206. Since the purpose of a sentence is to educate and turn a juvenile into a law-abiding citizen, the court may - considering the personal characteristics of the juvenile, his or her family background and the environment he or she comes from - order that (prior to attaining the age of 18) the convict serve the sentence in a special house for juvenile correction. The court may also order the placement of a convict over the age of 18 in a juvenile correction if the purpose mentioned above can be achieved.

207. In the interest of completeness, section 84 of the Penal Code, which stipulates the placing of juvenile under a protective care, must also be mentioned. According to section 84, the court may order such a placement only

if the upbringing and education of a juvenile is not properly taken care of, if his or her education has been neglected or if the environment in which the juvenile lives requires so.

A situation where a juvenile is an object of assault

208. Chapter Six of the Penal Code contains specific provisions protecting children from different types of assault and abuse, particularly in the section entitled "Criminal Offences Against the Family and Child", but also partially in the "Criminal Offence in Gross Violation of Civil Coexistence" section of Chapter Five and the "Criminal Offences Against Freedom and Human Dignity" section of Chapter Eight.

209. The neglect of maintenance and avoidance of alimony pursuant to section 213 is the most frequent criminal offence committed against children and juveniles. On the grounds of neglected maintenance of a child, the courts validly sentenced 1,317 offenders in 1994 and 1,212 offenders in 1995, which represents some 5 per cent of all persons sentenced in Slovakia. The second most frequent offence is sexual abuse pursuant to section 242 and section 243 (218 convicts in 1994 and 246 convicts in 1995) followed by the criminal offence of endangering the moral development of children and juveniles pursuant to section 217 (33 convicts in 1994 and 51 convicts in 1995). Other criminal offences against children (violation of moral integrity under section 212, torture of a person in care under section 215, abduction under section 216, traffic in children under section 216 (a) and (b), provision of alcoholic beverages to juveniles under section 218, provision of anabolics to juveniles under section 218, obstruction of a court order in the matters of minors under section 171, paragraph 3, abduction abroad under section 233 (2) and trafficking of women section 246 (3) do not almost appear in judicial statistics, which means that their occurrence is small.

210. Criminal offences committed against children have negative impacts upon their future development. Family, as such, is particularly protected by the provisions of section 210, which recognizes only monogamous wedlock. In addition to children and juveniles, the law provides special protection also to older persons who are in someone else's care or maintenance or need a special care. Those who have a duty of special care commit most offences.

211. Based on the provisions of the Convention on the Rights of the Child, the 1991 amendment to the Penal Act introduced new provisions regarding the trafficking of children (modification of sect. 216 and amendment to sect. 216 (a) and 216 (b)).

Situations where the child is given special attention aimed at preventing crime

212. The Ministry of Justice and the Ministry of the Interior of the Slovak Republic prepared a national model for crime prevention, which pays specific attention to children of all age categories. In 1995, the Ministry of Education launched a National Anti-Drug Programme, which focuses mostly on the primary and secondary prevention of juvenile drug abuse. A network of specialized Centres for Educational and Psychological Prevention and a network

of Treatment and Educational Sanatoriums for Children with Developmental and Behavioural Disorders is being established within the system of Slovak schools (according to Act No. 279/1993 Coll.).

B. Prohibition of child labour (article 32)

213. The Labour Code prohibits the engagement of juvenile workers in some types of work. Juveniles may not be engaged in underground work, in the mining of minerals or drilling of tunnels and shafts. Juveniles may not be engaged in any work, which, with a view to their physiological and mental capabilities, might be inadequate, hazardous or harmful to their health. For their respective jurisdictions, individual ministries issue (in agreement with the Slovak Ministry of Health Care) lists of activities and workplaces prohibited to children and juveniles. These lists are continuously revised and adjusted for up-to-date knowledge in the field of science and technology. The lists also specify whether, and under which conditions, juvenile workers may exceptionally perform these activities as a part of their preparation for a future profession. According to the Labour Code, employers may not engage juvenile workers in any work that might expose them to a higher risk of accident or any work, which, when done by juveniles, might seriously endanger the safety or health of their co-workers or other persons. Juveniles may not work overtime or night-time. In exceptional cases, juveniles over the age of 16 may work during night-time for a maximum of one hour, if this is necessary for the preparation for their future profession.

C. Children belonging to national minorities (article 30)

214. The history and geographic location of Slovakia left their imprints on the ethnic composition of its population. In addition to Slovaks, the Slovak Republic is a home for other citizens whose ethnic origin is Hungarian, Ukrainian, Ruthenian, German, Czech, Polish, Croatian, Bulgarian, Romany, Moravian, Silesian, Russian, Greek and Romanian. From the viewpoint of historical development, social and demographic characteristics, settlement patterns, development of ethnic heritage, culture and identity, as well as relations with the Slovak majority, individual national minorities show remarkable differences.

215. The legal order of the Slovak Republic strictly respects observance of the rights of the minorities living on the territory of the Slovak Republic.

216. The rights of the ethnic minorities in the Slovak Republic are guaranteed at the level of the Constitution of the Slovak Republic by laying down the principle of free choice of nationality and by prohibiting any forms of coercion directed toward denationalization (art. 12, para. 3, of the Constitution). Another guarantee of the legal status of the national minorities are the international treaties on human rights and fundamental freedoms, which the Slovak Republic has ratified and which have been proclaimed in a manner stipulated by law.

217. The Constitution of the Slovak Republic devotes Part 4 in Chapter 1 to the rights of the national minorities and ethnic groups. Belonging to any national minority or ethnic group must not be to the detriment of anybody. Further, the universal development is guaranteed to the citizens of national

minorities or ethnic groups in the Slovak Republic, especially the right, together with other members of the minority or group, to develop their own culture, the right to disseminate or receive information in their mother language, the right to associate, and to establish and maintain educational and cultural institutions. In articles 33 and 34, the Constitution of the Slovak Republic declares the rights of national minorities and ethnic groups, and "the citizens belonging to the national minorities or ethnic groups are guaranteed, under conditions stipulated by law, along with the right to adopt the state language also the right to education in their own language". The Constitution further declares in article 42 "the right to free education in primary and secondary schools, and, according to the abilities of the citizen and resources of society, also in higher learning". For this category of citizens, the right to use the minority language in official communication as well as the right to participate in decision-making about affairs relating to the ethnic minorities or groups, are recognized.

218. Apart from the Constitution of the Slovak Republic it is the School Act (Act No. 29/1984 of Coll., on the system of primary and secondary schools, as subsequently amended) that governs the education of minorities.

219. The education of children and pupils of national minorities in the Slovak Republic is carried on either in schools with a minority language as the language of instruction, or in schools with Slovak as the language of instruction, subject to a free decision taken by the parents or legal guardians of the child. These schools are a part of the system of education in the Slovak Republic, and are financed from the State budget. Apart from State schools, the legislation provides for the possibility to establish private or parochial schools. This implies that a citizen of the Slovak Republic, belonging to a national minority has the possibility to make use of the education in his or her mother language, within the framework of pre-school facilities as well as primary and secondary schools.

220. The following national minority languages in the following types of schools are being taught in the Slovak Republic:

(a) Hungarian (kindergarten; primary schools - both at State and parochial ones; secondary schools - at State, private and parochial high schools, the State secondary technical schools, both State and private secondary vocational schools, the special schools for the physically and mentally disabled, schools for the retarded children, boarding schools for the retarded children, primary schools affiliated with health-care facilities, and higher education: the School of Pedagogy in Nitra and the department of philosophy (humanities) at Comenius University in Bratislava);

(b) Ukrainian (kindergarten, primary schools, high schools, secondary technical schools, and University in Prešov);

(c) German was introduced as the mother language from the school year 1993-94 and is taught in kindergartens and primary schools; and

(d) Ruthenian on the basis of requests by parents, conditions for teaching Ruthenian were created from the school year 1996/97.

221. Education of the children and pupils belonging to national minorities in the Slovak Republic is carried on in the geographical areas traditionally inhabited by a minority. These areas are not limited nor exactly delimited; they are determined by the ethnic structure of the population in the area and by observing the right to the choice of a school with the desired language of instruction according to a free decision of parents or legal guardians of the child.

222. In schools with a minority language as the language of instruction, three ways of teaching pupils have gradually developed, depending on the specific characteristics of each minority (such as the status and intensity of the ethnic and national awareness, previous "ethnic education" traditions, the level of the development of the language, and the percentage of the minority population on the territory of the Slovak Republic):

(a) schools with a minority language as the language of instruction, where all subjects are taught in the minority language and the Slovak language and literature is taught as a language of communication - the target language, using the principle of foreign language methodology (schools with Hungarian as the language of instruction);

(b) schools with a minority language as the language of instruction, where some subjects are taught in the minority language. At the first level of primary schools the subjects taught in the minority language are: music, visual arts, general basics, and homeland. The subjects taught bilingually (in the State language and in the minority language) are nature and workshops. At the second level of primary schools the subjects taught in the minority language are music and visual arts. The subjects taught bilingually are history, geography, ethics, and civics. The remaining subjects (apart from the minority language and literature) are taught in the State language. These are the schools with Ukrainian or German as the language of instruction;

(c) schools teaching a minority language, where the minority language and literature is taught in the language, and all the other subjects are taught in Slovak (schools teaching Ukrainian and German).

223. The principal pedagogic documents (curricula, textbooks) ensure equality of the contents and scope of the knowledge of pupils in schools with a minority language as the language of instruction with that of pupils in schools with Slovak as the language of instruction. These documents are basically the same in both types of schools, with the exception of the specific subjects.

224. The curricula in schools with a minority language as the language of instruction are identical, naturally apart from the subject "mother language and literature", including textbooks.

225. Textbooks that are translations of textbooks approved by the Ministry of Education of the Slovak Republic, or that are translations of the supplementary textbooks recommended by the Ministry of Education of the Slovak Republic, are to be used in all types of schools with a minority language as the language of instruction.

Education and leisure of Roma children

226. When considering the Roma issue in all its aspects, it is essential to recognize the significant differentiation within the Roma population. There is a distinct difference between the way of life of the Roma living in cities, where the child gets included into the regular educational process, and the situation of the Roma population living in enclosed communities - settlements (such as in Eastern Slovakia), in which the highest percentage of the Roma population live.

227. The position of the Roma children in the school system fell into the workings of the ideology of the previous society that declared the Roma to be a problem of a socially pathological group of people. Findings and knowledge about the practice of educating the Roma children are gradually being collected in the methodological centres and methodological departments of the respective sections of the educational and cultural authorities, in the institutes of the Slovak Academy of Science and in the Club of the Roma Children's Teachers in Košice.

228. Even though language is one of the principal features of ethnicity, many Roma children cannot speak Roma, which is probably also caused by the fact that parents do not communicate with children in Roma, thinking it might pose a problem for them in school. At the same time, however, the children cannot speak the language of instruction well either. This finding of the teachers of the Roma children is in contradiction with the findings of a survey carried out in 1995, in which as to the language of communication in the Roma families the following were indicated: Roma 85 per cent, Slovak 64 per cent and Hungarian 10 per cent. Language as an important element of communication and as a means of learning is a complicating factor in instruction in Roma, because of its heterogeneity (many dialects). Which of the Roma dialects that are spoken in Slovakia will become the basis for "Roma", depends probably on how many Roma will understand it to such a degree that they would learn it and could be taught in it.

229. The establishment of the Department of the Roma Culture at the School of Pedagogy in Nitra can play an important role in the training of teachers of the Roma children, and may answer a number of questions such as: What are the prerequisites for a teacher to be successful with the Roma children, what training and which features of the teacher's personality are decisive in education of the Roma children, or whether it is important for the teacher to be Roma himself or herself or whether it is not necessary.

230. At present, the problem does not lie in the legislation that ensures the right of the Roma to education, but rather in the economic, linguistic, social, pedagogic, or personnel preconditions for meeting a number of general as well as specific requirements in the education of the Roma children and pupils. The improvement in the quality of the education of the Roma children and pupils is a prerequisite of successfully addressing other issues perceived in the Roma community. Targeted and appropriate education creates preconditions for gradual changes in the system of values held by the Roma families so that education can become a recognized value as well as a prerequisite for successful handling of welfare, cultural, economic and social problems.

231. On the basis of comparing the contents, forms and methods of education implemented both in the past and present, as well as from the specific pragmatic knowledge of the outcomes of the currently applied educational process within the school system, we can draw a conclusion that education of the Roma children and pupils should not be segregational and must be implemented in the overall context of the State social policy directed to all citizens. At the same time, the educational programme for the Roma children and pupils must also respect their ethnic, cultural and social characteristics, to which it must accommodate its contents, forms and methods. The postgraduate study at the departments of Roma culture (Nitra, Prešov) as well as the specialized study for the teachers of the Roma children in the Methodological Centre in Prešov assist in the process of developing the preparedness of teachers of the Roma children.

232. Leisure time deserves special attention, because a portion of the Romany youth inclines to asocial activities. A good programme of spending leisure in school premises (activities, clubs, after-school supervision) could increase the overall cultural level of the Roma youth and have a positive impact on forming their value system. Current financial resources, however, present problems in the efforts to organize the children's and youth leisure time activities.

233. The reactivation of the Roma community itself, and the establishment of their own organizations is also significant. Since 1990, a number of associations were formed that deal with the Roma population, as well as foundations, and amateur groups. Among them, the Association of Roma Youth in Prešov achieves especially positive results. This NGO is orienting its activities towards education and cultural activities of the Roma children population (such as the Festival of Talented Roma Youth, or summer camps focusing on upbringing of the Roma children and youth and on opportunities for a sound spending of their leisure time, etc.).

234. The Theatre Romathan (Prešov) has already a rich tradition. Apart from the theatrical performances it also works with the Roma children in different clubs, such as folk dance, music, drama, and visual arts, through which it not only prepares a new generation for its ensemble, but also points to the possible ways of educating the Roma population.

235. The analysis of the situation in the education of Roma children and youth can be concluded by stating that:

(a) the determining instrument for the development of the Roma in the Slovak Republic is the education of children, youth, and adults;

(b) the decisive reason for the poor school performance of the Roma pupils is the approach, which for the educational process works only with children equipped with certain personal and family dispositions that ensure their non-conflictual school existence. That is why a change is necessary in this respect, so that the educational process accepts the presence of the Roma children together with their personal and social characteristics;

(c) the objective of the education of the Roma should be the development of their personalities, which will enable them to fully participate in the professional life of society, on an equal footing with other citizens; and

(d) gradual changes are necessary in the education of children from the socially and linguistically disadvantaged environment through creating prerequisites for better professional engagement of the Roma, which can change the current reluctance and indifference towards education in a significant portion of the Roma children and pupils.

236. The basic laws relating to the legal status of children were adopted in the period of the former Czech and Slovak Federal Republic and according to the article 152 of the Constitution of the Slovak Republic they continued to be in force in the newly established Slovak Republic. Due to the fact that most of them were adopted before 1989, they do not fully correspond with the new political, economic and social conditions in our Republic. That is why significant changes in the legal order are under way and envisaged.

237. It has to be stated, however, that the care of children was at a decent level in the previous decades, too. The legislation that was the basis for this care took account of the specific needs and interests of children.

238. It is clear that a new social stratification of society will require a differentiated and targeted approach to children, even though limited by the economic situation of the country. The reconstruction of the legal order that is now under way in the Slovak Republic, gives plenty of room for deepening the recognition of the rights proclaimed in the Convention on the Rights of the Child.

239. A mere change in legislation, however, is not enough. Adoption of the Convention on the Rights of the Child meant a significant revolution in the understanding of the legal status of the child - i.e., the child as an entity of law rather than only its object. This understanding, however, has not been established yet in the Slovak Republic, which in many aspects is also confirmed by the evaluation of observance of the Convention's provisions. The paternalistic attitude of the State towards children is still present, without the child himself or herself having the right to assert his or her specific rights.

240. At the international level, it has been repeatedly emphasized that childhood should not be "life's waiting room" but it should be "life itself". That is why the legal situation, in which the child on the eve of his or her eighteenth birthday is almost "rightless" and the next day with full rights, cannot be accepted any longer. It is therefore necessary to create conditions for differentiated and gradual emancipation of children in all areas of the day-to-day life. If, however, society's understanding of the status of the child does not change towards viewing the child as the entity of law, the legislative changes might not help. As an illustration of the situation we can use the article 178, paragraph 2 of the Civil Proceedings Code, which is an example of insufficient application of the provision of the article 12, paragraph 2 of the Convention on the Rights of the Child. In the article 178, the right of the child to give his or her view on the affairs relating to him or her depends on the court's judgment of its appropriateness. If the court comes to the conclusion that the hearing is "inappropriate", the child has no

legal means to exercise his or her right to "express his or her opinion". This shortcoming is even more distinct when compared with the provision in the article 3, paragraph 1b of the European Convention on the Enforcement of the Rights of the Child, of 19 January 1996. Even though the Slovak Republic has not ratified this Convention, it is one of the conventions, whose ratification is required by the State Family Policy approved by the Government (resolution of the Government of the Slovak Republic, No. 389, of 4 June 1996).

241. Addressing the shortcomings mentioned above should be also taken into account in the process of the new Family Code preparation, or in amending the Family Act.

242. Another problem with opportunities for the child to assert his or her rights is associated with the fact that the child often does not even know what rights, or whether any rights at all, he or she has. Educating children as to the rights of the child is at a low level. It would be appropriate if the latter fact were also taken into account in the reform of family law that is being prepared.

243. Another important fact is that in the Slovak Republic there is no independent body, for example a parliamentary commissioner, who would supervise over how society meets its obligations with regard to the rights of the child. Such a body, which in some countries exists in the form of the "ombudsman for children" should and could fulfil a number of tasks:

(a) to submit proposals on strengthening legislation related to the enforcement of the rights of the child;

(b) to provide opinion on proposals of legislation related to the enforcement of the rights of the child;

(c) to provide legal information about the enforcement of the rights of the child to the media, general public and individuals as well as to the bodies that are concerned with issues related to the rights of the child; and

(d) to assess the opinions of children and to provide relevant information to them.

244. Another issue related to the application of the rights of the child is the preparation of the National Action Plan - a document that is a part of the State policy towards children. The representatives of the Slovak Board for UNICEF discussed this issue with the Deputy Prime Minister Jozef Kalman in August 1995. Due to the scope of the issues that the document is to address, the Ministry of Labour, Social Affairs and Family of the Slovak Republic recommended to form a special working group made up of representatives of sectors concerned as well as of other experts.

245. As the conclusion of this assessment of the current situation in the Slovak Republic as to the protection of the children's rights, it can be stated that a considerable attention is paid to this issue, not only at the level of the relevant State bodies but also on the part of specialized organizations.